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# HANSARD'S

# PARLIAMENTARY

# DEBATES:

FORMING A CONTINUATION OF
" THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

## Third Series;

COMMENCING WITH THE ACCESSION OF
**WILLIAM IV.**

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## VOL. XXIX.

COMPRISING THE PERIOD FROM
THE TWENTY-NINTH DAY OF JUNE
TO
THE THIRD DAY OF AUGUST, 1835.

Fourth Volume of the Session.

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1835.

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# HANSARD'S
# Parliamentary Debates

*During the* FIRST SESSION *of the* TWELFTH PARLIAMENT
*of the United Kingdom of* GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
*19th February,* 1835,
*in the Fourth Year of the Reign of His Majesty*
WILLIAM THE FOURTH.

Fourth Volume of the Session.

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## HOUSE OF LORDS,
### *Monday, June 29, 1835.*

MINUTES.] Petitions presented. By the Earl of ROSSE, from the Members of the Irish Bar, for the Repeal of the 3rd Section of an Act of last Session, for Facilitating the Loan of Money upon Landed Securities.—By the Duke of CUMBERLAND and the Marquess of CAMDEN, from a Dissenting Congregation in London, and from Bath,—for Protection to the Church of England.—By the Earl of ABERDEEN, from Liverpool, against any Alteration in the Timber Duties.—By Lord BROUGHAM, from Cork, for the Repeal of the Stamp Duties on Newspapers.

MUNICIPAL CORPORATIONS BILL.] Lord *Brougham* said, that he had a Petition, not praying in general terms for a measure upon Municipal Corporations, but asking their Lordships to pass the particular measure which was now under the consideration of the other House of Parliament. As a petition on the subject of a Bill not yet in the House was irregular, he should not present it, and he mentioned the circumstance to excuse himself with the petitioners for not doing so. With respect to the Bill itself, to which the petitioners alluded, he must take that opportunity of saying, that he saw two decided deficiencies in it, and without which he could not give it the support he desired. In the first place, he did not see sufficient provision to prevent the abuse of Trust Funds left for charitable purposes; and in the next, he saw no sufficient reason to exclude from the advantages of municipal freedom those who had earned a right to it by apprenticeship—men who had not obtained it by birth, but whose title to it was founded on the employment of seven years of their lives in making themselves masters of some useful art or trade, and who had obtained a seven years' character for industry and diligence. He hoped that the Bill would be amended in these two respects before it came up to their Lordships; but if it was not, he should do his best to amend it by introducing two Clauses to the effect he had already stated.

MUNICIPAL CORPORATIONS (IRELAND).] Lord *Farnham* wished to know from the noble Viscount opposite whether it was the intention of the Government to bring in a Bill during the present Session for the regulation of Municipal Corporations in Ireland. He begged to say, that the Report on the subject had only just been printed; that that Report was a very imperfect one, a circuit and a-half being totally omitted; and that at this late period of the Session it would be impossible to consider the whole of the Report, which consisted of above 1,100 pages, so that if a measure was now introduced it would be brought in at the end of the Session, and would be hurried through Parliament at a time when it was quite impossible that its details could be attended to.

Viscount *Melbourne* said, that the important subject mentioned by the noble Lord was under the consideration of the Ministers, and that he certainly hoped to be able to propose some measure on the subject before the end of the Session.

THE HOUSES OF PARLIAMENT.] The Earl of *Wicklow* wished to put a question to the noble Viscount opposite, on the subject of the Houses of Parliament. When the Building Committee laid its Report on the Table, he had taken the liberty of calling the attention of their Lordships to the sort of provision which had been made for the accommodation of the Members of this House during the period that the new Houses would be in a course of building. What he said then was under the impression that the period would be short before proper accommodation was afforded to their Lordships. He now believed that that period would be much longer than he had originally anticipated, perhaps extending to four or five years. He wished, therefore, to ask the noble Viscount whether a better mode of accommodation than the present could not now be devised, and whether he had any plan for the accommodation of their Lordships during the long period that must necessarily intervene before the two Houses could be erected.

Viscount *Duncannon* said, that he believed the noble Earl anticipated a longer time than would be required, for he understood that two years would be the utmost period required to complete the building. Several questions had been put to him on this subject, and he thought that he should best answer them all by reading the letter he had received from Sir Robert Smirke on the subject. He had asked Sir Robert Smirke whether any alteration could be made in the present House by taking any thing from the thickness of the walls, secondly, whether the House could be enlarged by the building of new walls, leaving the roofs and facings as at present; thirdly, whether a temporary House could be fitted up in Westminster Hall; and, fourthly, whether he could make any proposition by which the accommodation for their Lordships, even under the present plan, could be increased; and whether any apertures could be made to admit the air so as to ventilate the House in a better manner than at present. The best mode of stating the answers to these questions would be by reading the letter. The noble Viscount here read the letter as follows. It was dated June 25:—

My Lord,—I have, according to your Lordship's desire, considered in what manner it may be possible to provide greater accommodation for the House of Lords, either by enlarging the present room occupied by their Lordships, or by erecting a temporary one of suitable dimensions in some convenient situation.

The walls of the present room are from four and a-half to five feet in thickness, but they are built of rough materials—chalk and rubble-stone, loosely held together, and in some parts so much fractured, that it would be impossible to increase the width of the room by cutting away any portion of their thickness; an enlargement of the present room could only be made by taking down the walls altogether, and rebuilding them.

I am of opinion that it would incur very little more expense to build another larger room in a temporary manner, which might be done in the space between the north wall of the present room and the south wall of St. Stephen's Chapel, and where it would stand clear of the line of any permanent buildings that may be erected before the removal or alteration of the present ones.

In this space a room could be built, raised to the same level as the others, thirty-eight feet wide (which was the width of the former House of Commons), and seventy feet long; leaving a sufficient area (about thirty feet) to preserve the light of the rooms and offices which occupy the site of the Long Gallery.

A passage might be made to communicate with the Lobby of the House of Commons from the north end of the room below the Bar, which would be at that end.

The entrance for Peers would be from the present House through doors made in the wall opposite the end of the Royal Gallery, and at the end of the passage recently made at the back of the Throne.

The expense of building such a room would be about 4,500*l.* The seats, &c., now used, might be removed into it, and fitted to it without much alteration, and the Throne would also be removed and placed at the south end, between the two doors of entrance.

Your Lordship desired me to consider whether any arrangement could be made with advantage for providing the required accommodation in Westminster Hall; and I beg to state to your Lordship, that when the plans for the temporary buildings were first under consideration, immediately after the fire, the occupation of Westminster Hall for a part of them was fully considered: the plan was abandoned on account of the expense and inconvenience of removing the Courts of Law, which would have been necessary: and on account also of the difficulty of providing any means of warming and lighting rooms made in the Hall without injury to the building, and greatly increasing the risk of fire in it.

The Hall is so far removed from all the offices of the House of Lords, that I do not think any use can be made of it at this time for their Lordships' convenience, in connexion with those buildings.

I have the honour to be, my Lord,
Your very obedient servant,
(Signed) ROBT. SMIRKE.

Lord *Brougham* said that the present House was about one of the most inconvenient places that could be imagined. Though it was small, it was bad for hearing—its temperature was bad, for though it might require healthy ventilation it was full of draughts, so that he was in absolute horror when he heard of opening apertures for air. In fact, he thought that the ingenuity of man could hardly contrive any thing not as a sample of a House of Parliament, but as a beacon, as a warning to all future architects not to attempt the erection of a building which should possess so many inconveniences as they enjoyed here. It was so cold here, that after sitting in the House in the morning he had gone out into a north wind to enjoy the benefit of a milder temperature. He had so long been accustomed to very inconvenient places, such as our Courts of Justice, that he himself made no complaint, and if the expense was considerable, he was ready to go on as at present.

The Earl of *Wicklow* was most happy to have the opinion of the noble and learned Lord with him, since the noble and learned Lord who sat for so many hours in the House, spoke from the result of experience. He should be glad to hear what could be done to remedy the present evils; the more particularly as he believed something could be done without interfering with the erection of the intended permanent buildings.

Viscount *Duncannon* should to-morrow propose to lay the letter of Sir R. Smirke before the Building Committee.

THE EARL OF DEVON.] Lord *Denman* said, that he had had the honour to communicate to the Earl of Devon the vote of approbation unanimously agreed to by their Lordships on a former evening, and had received an answer, which, with their Lordships' permission, he would now read. The noble and learned Lord read the letter, which was in the following terms:—

"Duke-street, June 26.

My Lord,—I have the honour to acknowledge the receipt of your Lordship's letter of yesterday's date, communicating to me an unanimous resolution of the House of Lords, and I beg of you to convey to the House my sincere thanks for the very flattering manner in which my services as Clerk-Assistant have been noticed. To merit the approbation of one of the Houses of Parliament of this great country must be to every man a source of just pride; but this affords peculiar pleasure to one who has had the opportunities which I have enjoyed of witnessing the great talents and high tone of feeling which characterise the individuals who have concurred in this resolution; and this expression of approbation from the House of Lords is, I trust, calculated to answer a more important purpose than the gratification of my personal vanity. After more than thirty years spent in the various gradations of a lawyer's life, I am now retiring from a high office for which I was selected by those who were acquainted with my conduct in other situations. We know that in the exercise of the legal profession the successful Barrister secures for himself a high reward in the confidence and admiration of the public before whom he acts; but in the more quiet, though not less honourable, stations which it has been my lot to fill, the meed of praise from the few whose position peculiarly enable them to appreciate the due performance of the duties belonging to them, becomes doubly valuable; and whilst the flattering testimony now borne to my conduct will always be to me a source of the purest gratification, I think, also, the younger men engaged in the pursuit of a laborious profession may draw from it this useful lesson, that even without the possession of great powers and brilliant talents, they may assuredly secure to themselves much of honourable distinction and of worldly advantage, by the diligent and faithful discharge of the duties of those stations in which they may happen to be placed.

I beg to return your Lordship my best acknowledgments for the kind expressions with which you have accompanied the conveyance of the resolution to me; and

I have the honour to remain, my Lord,
Your Lordship's faithful servant,
The Lord Speaker, &c, DEVON.

Viscount *Melbourne* moved, "That the letter of the Earl of Devon be entered on the Journals."

Agreed to *nemine dissentiente*.

ABOLITION OF OATHS.] The Duke of *Richmond* said, that he had the other night given notice of his intention to propose to introduce a Bill to amend the Act recently passed for the Abolition of Oaths. He found that there were certain persons in the City who felt themselves aggrieved by the provisions of this Act, which abolished voluntary Oaths, and thus affected the affidavits made and sent out to some of our colonies to verify merchants' accounts transmitted there. As he found that that practice was not uniform, he should not propose to allow it where it did not now exist, but to abolish it in other places; and he should, therefore, propose to re-appoint the Committee on the subject of Oaths, when he believed that they would recommend the Abolition of the Oaths to which he had alluded. He therefore moved that the Committee be re-appointed,

Agreed to.

## HOUSE OF COMMONS,

*Monday, June 29, 1835.*

MINUTES.] Bill. Read a third time. On the Motion of the CHANCELLOR OF THE EXCHEQUER:—Sugar Duties.

Petitions presented. By Mr. JAMES OSWALD, from Glasgow, for the Relief of the Handloom Weavers, for the Repeal of the Stamp Duties on Newspapers, and against the Imprisonment for Debt Bill.—By Mr. E. S. RUTHVEN, from Chichester, for Vote by Ballot, and Corporation Reform.—By Mr. J. OSWALD, and Mr. E. L. BULWER, from several Places, for the Repeal of the Stamp Duties on Newspapers.—By Mr. E. L. BULWER, from St. Giles's, Camberwell, for the Remission of the Sentence on the Dorchester Labourers.—By Lord SANDON, Colonel THOMPSON, and Mr. PARKER, from three Places,—against Parts of the Municipal Corporations' Bill.—By Mr. LEADER, from Bridgewater, in favour of the same Bill.—By Mr. PRINGLE, and Mr. C. FERGUSON, from three Places,—for Protection to the Church of Scotland.—By the LORD-ADVOCATE, from Lochee, against any Grant to the Church of Scotland.—By Lord MAHON, from Halstead, for Amending the Poor-Law Amendment Act.—By Mr. O'CONNELL, from Dublin, for Poor-Laws to Ireland.—By Mr. W. SMITH O'BRIAN, from Galway, against selling Corn by Measure, instead of by Weight, in the London Market.—By the SOLICITOR-GENERAL, from Blandford, for the Repeal of the Duty on Spirit Licenses.—By Lord SANDON and Mr. E. DENISON, from Lower Canada, for Redress of Grievances.

STEAM VESSELS ON THE THAMES.] Mr. *Oswald* presented a Petition from Watermen engaged on the River Thames, praying for the adoption of measures to prevent Steam Vessels from proceeding with such dangerous rapidity below London Bridge, which occasioned continual danger and repeated loss of life. He observed that the Petition well deserved the attention of the House. From his own personal knowledge he could confirm the statements of the petition.

Mr. Alderman *Wood* reminded the House that a measure had repeatedly been before them to effect the object contemplated by the Petition. The Bill had gone through Committee, and was lost, he believed, from unwillingness on the part of the House to legislate in the matter. It was time that there should be something done on the subject. Within the last three months there had been sixteen lives lost, owing to the rapidity of navigating these vessels below bridge. The Thames Police Magistrates had done their utmost to stop these proceedings, but the long purses of the steam vessel companies defied all such penalties. They cared nothing about 5*l.* penalties; and they frequently transferred the cases to the Sessions, thereby deterring prosecutions.

Mr. *Thornley* suggested that the best course would be that the boats below bridge should be built upon a larger scale, with higher bulwarks.

Lord *Sandon* said, he had been a Member of the Committee on the Bill, and had so arranged it as to meet the views and objects of all parties. Unfortunately, however, at a late hour in the morning, and when few of the friends who had the management of the Bill were present, an hon. Member moved that the Bill be further proceeded with that day six months, which was carried, and the Bill lost. If a similar Bill were brought in now, he was sure that it would be carried.

Mr. Alderman *Wood* observed that it would cost large sums to alter the boats as had been suggested. There were 1,000 watermen below bridge, and their boats on the average cost 25*l.* each.

Petition to lie on the Table.

BOROUGH OF CHICHESTER.] Mr. *Ruthven* presented a Petition from certain inhabitants of Chichester, complaining of the undue means by which the elections for that Borough were carried on. The petitioners expressed their regret that, after the passing of the Reform Bill, some measure was not adopted to check bribery and corruption at elections. The corporation of the town possessed almost the entire power at elections there, and the corporation itself was under the control of a certain noble Duke. The last election was carried by means of clubs formed in the town: dinners were given, and various indirect modes of bribery were adopted. As the only check on these practices the petitioners prayed for Vote by Ballot.

Lord *Arthur Lennox* begged to repudiate indignantly the imputations thus cast on him and the electors. He never gave away one shilling in the way of bribe. He never encouraged the formation of clubs—gave no dinners—and had not even a chairing, as he wished to avoid any expense, except what was required by law. He was returned by such a majority as his opponents admitted that they could not overcome. He met his constituents in a body some months ago, and they assured him that they were perfectly satisfied with his conduct.

Mr. *John Abel Smith* strongly denied the truth of the assertion of that petition. He was returned in his absence, and in the most honourable and independent manner, by a larger majority than he ever had before.

TIVERTON CORPORATION.] Sir John Yardley Buller presented a Petition from Tiverton, Devonshire, complaining of parts of the Municipal Corporations' Bill.

Mr. *Heathcote* regretted to see a Petition from Tiverton against Corporation Reform, though it did not much surprise him.

Viscount *Sandon:* Sir, I rise in the first place for the purpose of stating that the hon. Member for Tiverton, who has just sat down, is not correct in the supposition, that the petition from that Corporation which has been just presented is directed in opposition to Corporate Reform. I have had the opportunity of seeing it, and I find its prayer is confined to the introduction of certain Amendments in the Bill now before the House, which are certainly by no means inconsistent with the principle of that measure. But I am glad to take this opportunity of making some observations on a passage in the Report of the Commissioners upon that Borough, which seems to cast a reflection, at least by implication or insinuation, upon a character, which will be ever dear to me, and which has never yet been stained even by the breath of calumny. Sir, in that Report it is asserted, that a letter was written by the Corporation of Tiverton to Lord Harrowby, requesting his interference to procure for Sir John Duntze the situation of Receiver General to the county of Devon, and announcing to him at the same time the stipulation that that gentleman should make an annual payment to the Corporation of 80*l.* Now, Sir, I have called the attention of Lord Harrowby to this assertion; and although at the distance of above thirty years it is difficult to recall with certainty every particular of such a transaction, yet I believe the following to be the facts of the case:—A private application from Sir John Duntze for the appointment in question was made to Lord Harrowby; and on being mentioned to Mr. Pitt, it was favourably received, though nothing was finally decided. Meanwhile this private application was seconded by a recommendation from the Corporation; but unaccompanied by any notice of such a bargain or stipulation as that alluded to. A rumour however of such a transaction being intended, having reached Lord Harrowby, he announced it to Mr. Pitt; and acquainted him with his determination not to press for the appointment for his friend, unless the existence of such a stipulation was completely disavowed. It was so disavowed, and upon that disavowal the appointment was pressed for and obtained. Having, however, thus completely exculpated my noble relative from any participation in what, if it really took place, was most certainly a very unjustifiable transaction, this I will say, in mitigation of the offence, that it would be hard to judge of transactions of so remote a date, with the same severity that we should be justified in applying to them, if they took place in the present time. The times were not then long gone by, when the practice of quartering friends and relatives upon the salaries of public officers had very generally prevailed; when, indeed (as under Lord North's Administration), men of the most unblemished public and private characters entered into arrangements of that kind, which the least scrupulous of modern times would be ashamed to be suspected of. It is not quite fair or just to apply to other times the purer standard of modern days. This solitary fact, however,—if such it is,—is the only ground that I can discover in the whole Report for the sweeping sentence of condemnation which the concluding paragraph of that Report passes upon the whole character of the Corporation; and I cannot but say, with regard to this Report, as I should say with regard to others that I have had occasion to look into, that it does not seem to me to be less the verdict of cool and impartial inquirers, who are anxious to come to a right conclusion upon the facts, than the work of political partizans, who felt that their business was to find defects and abuses in the administration of existing Corporations, and who were fully determined not to be disappointed in the object of their search. My business, however, in rising, was confined to the exculpation of my noble relative from having had any share in what, if it existed, was certainly an improper transaction. With that I am content, and I do not wish to drag the House into the discussion of other portions of the Report, from which I most widely dissent.

Mr. *Blackburne* undertook to say that the Commissioners did not deserve the sweeping condemnation in which the noble Lord had indulged. He had read the evidence carefully, and was prepared to defend the Reports, and to show that they were not highly coloured, and were justified by the evidence adduced. The Commissioners gave public notice of their proceedings; they sat in public, and they invited all to attend to give evidence, or to listen to it, to see that all interests were duly represented and protected. That there might be mistakes he would not deny; in some instances they were almost inevitable, because many persons who ought to have attended had kept back, and he was afraid, in some cases, that they might declare some statements to be wrong, and thereby throw doubt on all. If the parties at Tiverton had pleased, they might have attended, and made any representations that they thought requisite to their defence; not doing so, they did not deserve much sympathy. He repeated his belief that there was no colouring in the Reports that was not warranted by the evidence adduced, as far as it went.

Petition laid on the Table.

DISSENTERS.] Mr. *Wilks* reminded the House that during the present Session three subjects connected with the claims of the Dissenters had been more or less discussed:—1. A motion, now postponed, but which had stood for to-morrow, on the admission of Dissenters into the Universities. 2. The Dissenters' Marriage Bill, which had been introduced by the hon. Baronet, and had since devolved into the hands of the present Government. 3. A question which seemed to him of extreme importance which had been deferred, but which he had intended to submit, on the subject of a national civil registration of births, marriages and burials. To these three might, perhaps, be added the subject of Church-rates, repeatedly mentioned by his hon. Friend, the Member for Exeter. It had, however, been intimated that if the Dissenters would not press these several topics, to them of great interest, but allow measures of more vital and general interest to proceed, in order that they might not be inconveniently protracted, but occupy the undivided attention of the House, Ministers were disposed, early in the next Session, themselves to originate official measures—first, for a general civil registration of births, marriages, and burials; secondly, a Bill for a the relief of Dissenters in respect to marriage; and thirdly, a provision as to Church-rates. He (Mr. Wilks) now only invited the attention of the House to the subject, and requested the noble Lord at the head of the Home Department, for the sake of general information and satisfaction, to state whether, after due deliberation, such was the course designed to be pursued by Government.

Lord *John Russell:* In answer to the question of the hon. Member, which the House has just heard, I have to state that I have paid great attention to the measure introduced by the right hon. Baronet opposite, on the subject of Dissenters' marriages. I found that those among the Dissenters whom I consulted, without saying whether the Bill should or should not be postponed, were anxious to have introduced into it, Amendments of so extensive a nature that they must give rise to protracted discussion; they wished to have a number of new provisions inserted, so that it could hardly be expected that the Bill in its new shape could be passed in the course of the present Session. On this account it is not my intention to proceed with that Bill. I have to state further, that my opinion certainly is, that the first measure that ought to be adopted with a view both to the Dissenters and to the inhabitants of the country at large, is one to establish a civil registration of births, marriages, and deaths. It is accordingly the intention of Government to propose such a measure early in the next Session. If we can propose a Bill satisfactory to the Dissenters and satisfactory also to Parliament, I do not apprehend that we shall find much difficulty in framing a measure relative to the marriages of Dissenters. As to the other point — Church-rates — retaining always the opinion I have heretofore expressed, it certainly is the conviction of Government that it ought to proceed early next Session to the introduction of a plan upon that subject. I believe that I have now answered the several questions of the hon. Member, and I may add that I certainly think it not possible to bring forward measures upon these questions with any hope of passing them into law in the present Session. Government is determined earnestly to apply itself to the consideration and preparation of Bills to be introduced to the House in the ensuing Session.

Mr. *Wilks* wished to be permitted to state, that he had not put these questions to the noble Lord without having first had very general communication with Dissenters in all parts of the kingdom. Among all great confidence in the kind and just feeling of the present Government prevailed, as it was believed that they were sincerely attached to the cause of religious liberty. The Dissenters felt that by forbearance they had not cancelled their obligations to the same cause, and that they best conformed to the wishes and promoted the interests of the country by acquiescence in this arrangement, [looking forward, as they did, with great anxiety and intense hope to the production of measures that would harmonize with their feelings, while, at the same time, they gave general satisfaction.

Catholic Members' Oath.] ir *Robert Inglis* wished to call the attention of the House to a circumstance that occurred on Monday last. On the Motion of the noble Lord, the Home Secretary, a discussion upon a Petition, relative to the Oath taken by Catholic Members was adjourned to the following day. He was aware that the country, and certainly every Member was supposed to know what passed in the House; but though he (Sir R. Inglis) was sitting directly opposite the noble Lord, and in conference with the hon. Recorder of Dublin on that very subject, the renewed debate on Tuesday was disposed of, on the Motion of the noble Lord, without his (Sir R. Inglis's) being acquainted with the fact. He meant to make no complaint that the subject had been taken out of his hands; but he wished to stand right with the House as to the attack that had been made upon him. He did not know whether the hon. and learned Member who made the attack was now in the House; but he wished it to be understood, that whatever offence of this kind he might be exposed to, he would much rather be the object of it than the assailant. Without adding more to the irregularity of which he was now guilty, in adverting to the subject when there was no Question before the House, he would only remark, that he had been no party to the premature conclusion of the discussion. On the contrary, he was directly opposed to it, and had no intention of submitting or truckling to any opposition he might meet with. He would not be prevented, either here or elsewhere, from stating his opinions fully and freely, by anything that might be said by the hon. and learned Members for Dublin or Tipperary.

Mr. *O'Connell:* In what I said I did no more than was authorized by the ordinary rules of debate: to those I confine myself.

Sir *Robert Inglis:* I allude to personality.

Mr. *O'Connell:* Personality! The hon. Member charged me with perjury. I want to know whether a person who charges another with perjury has a right to complain of personality? Is such a man to call for the sympathy of the House, by an allegation that the delicacy of his individual feelings has been violated by personality? I did then condescend to give an explanation of the nature of the oath: I never will do it again: but if a man accuses me of perjury, I cannot find so hard a term to answer him, but in more moderate language, I can accuse him of a wilful lie—[*"Oh, oh!" cheers, and confusion.*] Do Gentlemen who exclaim thus think that the charge of perjury ought not to be met by adequate terms? I know of no language, the strongest I could use, that would be adequate. In the way I have met the charge now, I will meet it in future. I will not condescend to bandy silly terms with any man who presumes to make such an accusation. I feel that there is no man in the House less capable of committing that crime. I have seen many instances where those who cry out loudly about the sanctity of an oath, have used it for partisan purposes, at the very moment when they were most ready to taunt and revile. In this House I do not expect to find such; but if I do—and let who will dare to make the charge—I will repel it in the strongest language I can employ.

Sir *Robert Inglis*: The hon. and learned Member, in an hypothetical form, has been guilty of the grossest outrage that one man, in a substantive shape, can commit upon another. I call, therefore, upon you, Mr. Speaker, who sit here to protect the freedom of debate, to interpose. Let me add, that so long as you sit in that Chair, it is your duty to guard the honour of Members—[*no*,]—from being insulted [*cheers*]. I hardly know what is meant by the cheers by which I am interrupted. I desire that any hon. Gentleman who cheers me will rise in his place.

Mr. *O'Connell* (rising): I cheered.

Mr. *Ruthven* (rising): And I cheered.

Sir *Robert Inglis:* If the hon. and learned Member who had said substantively what he has said hypothetically, he would have committed one of the grossest outrages a man can offer to another—[" *No*"]. I know the meaning of that " No;" it means, that if the charge is made again, it will be so met again. I call upon you, Mr. Speaker, to protect the deliberations of the House, and I shall sit down contented with your determination.

Mr. *O'Connell:* I, too, call upon you to protect Members of this House from a charge of perjury. That any man should conceive that he is entitled to ask for the protection of the Chair when he has called others a perjurer, seems to me most extraordinary.

Lord *John Russell* interposed. After what has been said, I do not, of course, object to the decision of the Chair being given; but I do object that hon. Members should proceed with these accusations, whether hypothetically or substantively.

The *Speaker* said, undoubtedly it is most unfortunate that this discussion has arisen; but it is not to be disguised that the word " perjury" is a strong expression. I always understood that terms only conditionally applied, were not such as called for the interposition of the Chair; thus, I recollect one of the oldest Members of this House using this phrase without reproof:—" I state, in answer to the hon. Gentleman, in the strongest terms that can be hypothetically put, that what he has said is false." When a hypothetical form is once adopted, the Chair is not required by his office to interfere. I shall never hesitate, however, when called upon, to express the strongest opinion that the use of such language is extremely inconvenient, and inconsistent with the freedom, as well as with the decorum of debate. The freedom of debate can never be better secured than by hon. Members conducting it with temper. I, therefore, hope that the usual business of the House may now proceed.

IPSWICH ELECTION — MR. O'MALLEY.] Lord *John Russell* said, he wished, before he should move the Order of the Day for the further consideration of the Municipal Corporations' Bill, to know what course it was intended to take with respect to the Question of privilege as connected with the Ipswich Election, then on the Paper of the House?

Mr. Sergeant *Jackson* said, that he had a petition from one of the individuals in custody, Mr. O'Malley, praying that he might be brought to the Bar of the House and discharged. The petitioner stated, that he was in a delicate state of health; that confinement aggravated the symptoms of his illness; that he had already been fifteen days in custody; that his business had been much neglected in consequence of his confinement; and that he had necessarily suffered considerable injury, together with a variety of other circumstances with which he (Mr. Sergeant Jackson) should not then trouble the House, but which, in his opinion, were sufficient grounds for that gentleman's release. He (Mr. Sergeant Jackson) was enabled to state, that Mr. O'Malley was a professional gentleman of very short standing at the bar, and the deduction which he would make from that circumstance, that of his want of sufficient knowledge of the nature of the offence in which he had been engaged, was that which would be made, he was sure, by the House. He trusted, therefore, that the House would take this fact in extenuation, and deem, in their justice, the period of time he had suffered imprisonment, sufficiently long for the crime which he had, the same as inadvertently, committed. The petitioner further stated, that he had had no connexion whatever with the election of the late Members; that he knew nothing of the circumstances of the case until he had been called on professionally; that he had nothing whatever to do with four of the individuals who had absconded; and that he had only had one interview with the fifth. He knew Mr. O'Malley to be of one of the most ancient and respectable families in Ireland; few were more so in the county of Meath, where they lived. He had a brother too at the Irish Bar, who was an exceedingly respectable young gentleman. Under all these circumstances, he therefore hoped that the House would permit him to be brought to the Bar and discharged. The hon. and learned Member was understood to make a Motion to the same effect.

Mr. *Dominick Browne* could bear testimony to the respectability of Mr. O'Malley's family. He had been involved in the transaction for which he was then suffering inadvertently, and he (Mr. Browne) hoped the House would consent to his liberation. It was little to be wondered at that such a young man as Mr. O'Malley should have mistaken his course in the instance before the House, when even such a Parliamentary tactician as the right hon. Member for Tamworth, had stated, that he was not aware that absconding to avoid service of the Speaker's warrant was an offence against the privileges of the House. He (Mr. Browne) considered the imprisonment suffered by Mr. O'Malley as quite sufficient to expiate his offence; especially as it was undesigned on his part, and in a great degree inadvertent.

Sir *Robert Peel* begged to explain what he had meant in the observation quoted by the hon. Member for Mayo. He had merely expressed a doubt whether going out of the way to avoid the service of the Speaker's warrant was a legal offence, and he had asked the Attorney-General a question to that effect. He never expressed a doubt of its being a breach of the privileges of the House, still less that a conspiracy to evade such service was an offence both against law and privilege.

Mr. Sergeant *Jackson* could assure the House, that Mr. O'Malley was ready to answer any question at the Bar of the House consistent with the duty he owed his clients, and his honour as a professional man.

Mr. *Rigby Wason* said, none of those individuals who had petitioned for their discharge had proffered to do that which the House deemed the most indispensable towards assuring it—give evidence against their principal or principals. The petition before the House offered to do no more than had already been done. When the conduct of Mr. O'Malley came to be considered by the House, when it recollected his behaviour before the Committee—his refusal to answer questions which might implicate his principals, and his sheltering himself under his professional privilege when he was required to answer—he thought the House would not be doing its duty to its constituents and the country if it discharged him without more ample concessions—unless, in short, he came forward, and freely and unreservedly answered all questions which should be put to him on the subject. With the exception of Pilgrim, he considered the petitioner, Mr. O'Malley, as guiltier than any of the others concerned in the transaction. He also considered the petition before the House as an aggravation of his guilt. The very first paragraph asserted a contradiction to the evidence before the Committee. In the petition it was stated that the petitioner had had only one interview with Pilgrim, notwithstanding that several were deposed to in the examination by the Committee, in proof of which, hon. Members could refer to pages 337 and 338; and pages 488 and 489, of the printed evidence, where they would find the contrary stated by all parties, and denied by none. As to the extenuation which had been urged in favour of a remission of further punishment, he (Mr. Wason) was sure it would have no weight with the House. No one could for a moment believe that Mr. O'Malley, a barrister, was not perfectly cognizant of the crime he was committing at the moment of committing it. If the House should decide in favour of the petitioner, there was not an electioneering agent in the kingdom who would not resort to the same practices as those for which he had been punished, as it was well known that there was not a city, borough, or county in the kingdom where more than one individual would not be found willing to incur an easy and luxurious imprisonment of fifteen days for the sake of securing the success of a favourite candidate. It had been urged that there was no precedent on record for an extension of the punishment inflicted by the House in similar instances, and that ten days had been the utmost limit of imprisonment for such offences; but that was in Parliaments which owed their existence to bribery, in which every Member was a bribing party, and when such practices were, as had been stated by a former speaker, "as notorious as the sun at noonday." He (Mr. Wason) trusted as the Parliament had been reformed, a reform would also be made in its precedents; and he hoped that it would begin with the present case, and inflict such a condign punishment as would for ever put an end to all attempts at bribery.

Mr. *Barlow Hoy* said, that considering the hon. Member who last spoke was a party in the Ipswich election, and that he could be scarcely free from prejudice, even if he desired it, the observations he had made would come with quite as much force, and a vast deal more delicacy, from the Chairman of the Committee, or from any other hon. Member whatever. He considered that, in the instance of Mr. O'Malley, the House acted most harshly. The most notorious criminal of all had been suffered to escape—he meant Pilgrim—a person who had been accused and convicted; first, of absconding to avoid the service of the Speaker's warrant; second, of absconding after its service; and third, of bribery and corruption. He complained that Mr. O'Malley, for advising his clients, should be subjected to such punishment, while a Mr. Jay, who, it was admitted, had advised Pilgrim to abscond, was suffered to go untouched.

Dr. *Lushington* said, that the hon. Member who last spoke appeared to be very imperfectly informed of the transaction at issue, otherwise he would have perceived, from a perusal of the evidence, that there was nothing to warrant any proceeding against Mr. Jay, who was strictly and solely Pilgrim's profesional adviser. Could any one say that he should be brought to the Bar of the House, and punished for it? But how did Mr. O'Malley stand in that respect? After the petition had been presented he, a barrister and counsel for the sitting Member, in violation of his professional duty, visited Pilgrim, and attempted to put him out of the way, to prevent him giving evidence before the Committee. A greater offence could not be committed against the privileges of the House. But he did more than that; for in his evidence he evaded every question put to him, the answer of which he thought would be unfavourable to his employers, and took shelter under the plea of professional privileges, where he knew his testimony would have the effect of inculpating them.

Mr. *Plumtre* was understood to say that the House did well to mark with its severest punishment and strongest reprobation the crime of bribery; but that, taking the case of the petitioner into consideration, his youth, his inexperience, his respectability, under all the circumstances enough of both had been inflicted. He wished hon. Members who moved in the same sphere as Mr. O'Malley did, to put themselves in the same situation as that gentleman, and then say whether or not a fortnight's imprisonment was not sufficient expiation for the offence he had committed.

Mr. *Patrick M. Stewart* wished he could devise some plan to relieve the House of the nightly repetition of that discussion. The hon. and learned Member for the Tower Hamlets, had stated with perfect accuracy, the case of the petitioner. Mr. O'Malley had been six weeks counsel for the sitting Members, and he had a full opportunity of knowing the nature of his offence, as well as the opinion of the Committee respecting it. Besides, his petition was at variance with the facts stated in evidence, and uncontradicted by any one. Moreover, it offered no information beyond that which was already in the possession of the House. If the *quid pro quo* could not be obtained, the House should not suffer any feelings to interfere with the justice it owed itself, but inflict the deserved punishment upon the offenders.

Mr. *Williams Wynn* admitted that Mr. O'Malley had been guilty of an aggravated offence, but the Question for the House to consider was, whether the imprisonment and the disgrace which he had endured were sufficient for the offence. He (Mr. Wynn) considered they were. A man who refused to answer questions put to him by the Committee, certainly called down upon himself a much more severe punishment. He thought that a considerable difficulty attached to the main Question. Fifteen days was not a sufficient punishment, but twenty-one days might be, accompanied as it was by the disgrace of imprisonment, and with the still greater disgrace of receiving the reproof or reprimand of that House; and, although the offence was greater than that of those who had absconded, at the same time, he thought that the House might find a good cause to extend its mercy to the person who was then suffering under its displeasure.

Lord *John Russell* would briefly give his opinion with respect to the different cases. He regretted much that the invaluable time of the House had been consumed upon the subject, although he felt that the case was one of great importance, of, perhaps, as much importance as any case of the sort that had ever been brought forward. He concurred with the right hon. Gentleman who had just sat down, and must repeat the opinion he had formerly expressed, that those parties who were guilty of aiding and abetting others to abscond were far more culpable than those who had been guilty of absconding themselves. He could not, indeed, conceive a more serious offence against the privileges of Parliament than such a proceeding. It was a grave offence to procure the election of any Member of Parliament by means of bribery; it was also a considerable offence to abscond in order to avoid giving evidence upon the subject of that bribery; but it was an offence of a still graver kind that persons should enter into a conspiracy and league together for the purpose of keeping out of the way those witnesses from whom the truth alone could be obtained as to the practice of that corruption. If, in any one instance, the House allowed such a conspiracy to be successful, they would debar themselves from all means of acquiring evidence upon all similar cases; they would make election committees a mere nullity, and cause bribery to be more successful than ever it had been; therefore it was, that he considered the present to be a case of more than ordinary importance, and one in which it behoved the House to make a distinction between the treatment which they should award to the parties implicated in it, and that which ought to be awarded to those concerned in a case of a less momentous kind. With respect to O'Malley, Sparrow, and Clipperton, he thought that there was no just reason at present for opening the gates of Newgate to them. On the contrary, if they declared a temporary imprisonment to be a sufficient punishment for the offences which these individuals had committed, he knew not how they could call upon the courts of justice to inflict a severe punishment upon labouring men, who were earning 10*s.* or 12*s.* a week for the support of their families, because they had accepted a bribe of 20*l.* or 30*l.* in order to increase their means of affording that support. If the House ought to punish any parties at all, he believed that those individuals were the persons upon whom the infliction ought to fall. He agreed that the cases of Bond and Cooke were somewhat, though not materially, different from those of Pilgrim and Dasent, which had been decided the other night. It was desirable to make a distinction between those parties who had come forward to give evidence, and those who had absconded and not at any time given any. If the cases of these individuals were to be brought forward some day this week, and a Motion made for their liberation, he did not think that it would be necessary any further to detain them. With reference to the charge of bribery, he hoped that his hon. Friend, the Member for Derbyshire would soon introduce his Motion for an instruction to the Attorney-General to prosecute all parties who, in this case, had been implicated in it. The sooner such cases were got rid of by the House, and sent into the courts of law the better; bribery was a legal offence, and could not be better disposed of than in being sent before the legal tribunals of the country. As to cases such as that now before them, the House alone could judge of them, and inflict punishment upon those who had obstructed its justice. In conclusion, the noble Lord said that he could not concur in the Motion before the House.

Mr. *Gisborne* said, that it was certainly his intention to persevere in his promised Motion, and he believed that it would be sufficient for him, instead of framing it to meet individual instances, to move that the Attorney-General should be instructed to prosecute all parties who appeared to have been guilty of bribery according to the Report of the Committee. He therefore should give notice of a Motion to that effect for to-morrow. As to the matter at present under consideration, he would only state that his opinion completely accorded with the view of the case taken by the noble Lord.

Sir *Robert Peel* was understood to observe that the hon. Gentleman had no necessity of giving notice, but might bring on his Motion instanter.

Mr. Sergeant *Jackson* begged to read the following certificate on the subject of Mr. O'Malley's present state of health:—

"Newgate, June 29, 1835.

"Mr. Bransby Cooper hereby certifies that Mr. P. F. O'Malley is not in a state of health to bear further confinement without considerable danger of permanent injury to his constitution.

"To the Honourable the House of Commons."

He (Mr. Jackson) would, therefore, submit to the House that enough had been done to vindicate their authority, and that they might properly accede to the Motion made.

Motion negatived; and on the Motion

of Lord John Russell, Mr. O'Malley was ordered to appear at the Bar to-morrow.

Case of Messrs. Bignold and Booth.] Mr. *Rigby Wason* rose to bring forward the Motion of which he had given notice relative to the magistrates of Norwich, Messrs. Bgnold and Booth. He moved that those gentlemen be committed to Newgate for a breach of the privileges of the House—that the Speaker issue his warrant to that effect. He should commence by calling their attention to the Report of the Committee on the Ipswich election, in which the conduct of those gentlemen was mentioned. It was in these terms—"That the conduct of the magistrates, Samuel Bignold and E. T. Booth, Esqrs., before whom the said John Pilgrim was charged, appears to this Committee to be a breach of the privileges of this House." That Report would be a sufficient ground for his Motion, but he would strengthen it by quoting some of the evidence given before the Committee. The hon. Member read the following extracts. The first extract was from the evidence of Mr. O'Malley, and related to what occurred at Norwich when Pilgrim was in the custody of the constable:—

"You first heard of the Chairman's warrant at five o'clock on the Thursday evening?—I did. Are you a professional man?—I am not. Is Mr. Booth?—He is not. Who is the adviser of the magistrates?—Mr. Day, the sword-bearer: he acts as justice's clerk. Is he a professional man?—He is an attorney. Did you not inquire of Mr. Day what ought to be done on a Chairman's warrant coming?—I had not heard of the Chairman's warrant. You heard of it at five o'clock on Thursday evening?—Allow me to give an answer; on the Thursday morning I met Mr. Keith at the sword-bearer's office, and he made his deposition. I am not asking about that; I am asking about your having heard at five o'clock that there was a Chairman's warrant out; what did you do in that extraordinary state of affairs: what advice did you take?—I took no advice. No advice at all?—No. Was Mr. Day present? I sent for him. Did you find him?—Yes. Although you found him you did not take any advice on what was to be done?—No; I acted on my own discretion as to what I thought was the proper course."

The hon. Member went on to prove, from various parts of the evidence, that the delay which took place in the disposal of the charge of felony which was preferred against Mr. Pilgrm, prevented his appearing before the Committee at a proper time in obedience to the summons of the Chairman. He should next advert to the change in the custody of Pilgrim which had taken place under the authority of the magistrates. The evidence on this ground of complaint against the magistrates was as follows:—

"Did you go to the office?—I did. When you got to the office, what did you find?—He was in custody. Did you see him in custody?—Yes. Whose custody?—In the custody of a man of the name of Barnes. Is he an officer?—He is the gaoler. And you saw him in the custody of Barnes?—Yes. Where did you see him in Barnes's custody?—At Mr. Jay's office. What became of him afterwards?—Some discussion took place there; and afterwards he went to the Norwich Union Fire-office, to Mr. Bignold. Is he a Magistrate?—I believe he is; the warrant was signed by him. Did you go there?—I did. And saw him there?—Yes. Was Mr. Bignold the Magistrate there?—I do not know the person; but by the recognition of the warrant, I presumed he was. Was that the person who you were informed was the Magistrate?—Yes; Mr. Bignold and Mr. Booth. Were you present before the Magistrates when Pilgrim was also in custody?—I was. Did you hear any charge made against him before the Magistrates?—I was much alarmed about his being taken there, as I thought that I was the cause of it, as serving that summons. I went to Mr. Adam Taylor, the solicitor, at Norwich, to come down; he desired a copy of the warrant to be taken—a copy of the information on which it was taken. Have you got that copy?—I have. What was the information?—That he had defrauded Messrs. Sewell and Blake, in the year 1831 of 6*l*. Was that the charge?—He received the sum of 21*l*., and out of which he embezzled 6*l*.; Mr. Jay said it was not so. What year;—1831: August, 1831; What was it you said Mr. Jay, the solicitor, said?—The embezzlement was not stated in the warrant; the information was read over to Mr. Bignold; Mr. Jay said that could be easily explained away, and offered; and he did explain it to Mr. Taylor. Who was it laid the information?—Blake, Sewell, and Keith?—I think it was Mr. Keith. Have you got the copy?—look at it; refresh your memory? (The witness referred to it.)—Thomas Moor Keith. Do you know what took place before the Magistrates after Mr. Jay made the statement which you have told the Committee?—I told the Magistrates under what circumstances Pilgrim stood, having the Speaker's warrant. You told the Magistrates that?—Yes. That you had served him with the Speaker's warrant?—Yes. Was any observation made upon that?—No, not to that; I continued speaking; I observed to him that the warrant had been put in force immediately, as he was on the point of starting, and I thought it looked very much like concert. Told whom?

Mr. Bignold. What else took place before them?—Why, they afterwards, in another room, asked me to give an explanation, because it appeared Mr. Bignold had assumed to himself that the concert I had mentioned referred to him. You were called into another room before them?—Yes, and I did not intend that. Do you know what was ultimately determined by the Magistrate?—It was ultimately determined that he should be detained until the following day. They were going to hear the charge, I told them how important it was to get off that night, and they suggested afterwards they should employ counsel, and I was advised by Mr. Taylor to employ Mr. Palmer, and I said I would go for him, and I went, and whilst I was gone they were determined not to go on till one o'clock to day. How did you learn that?—From what fell from the officer, I think it was, and confirmed by the warrant. Have you got a copy of the warrant of the commitment?—Yes. Where did you get that?—Mr. Taylor insisted upon it. Where did you get the warrant of commitment?—From the Magistrate's officer. This is it—no, the short one; that is the information signed by Mr. Bignold and Mr. Booth?—Yes. I want to know whether it is made upon the oath of Mr. Keith?—Yes. Did you see Pilgrim after this?—Yes. Have you got a copy of the Speaker's warrant or summons?—Yes. Just produce that, will you?—(The witness produced it.) Was this a copy that you made that was served.—Yes. Did you make it yourself?—I did not; I read it over with the original. Is it a copy?—It is. Is that the warrant which you allude to under the name of the Speaker's warrant?—I was told by Mr. Ashurst's clerk it was so. The hon. Member next called the attention of the House to the following portion of the evidence of Mr. Bignold himself:—When did you first hear there was a Chairman's warrant out against this gentleman?—Immediately that the prisoner was brought before us, within ten minutes. That was on the Thursday morning?—No, on the Thursday evening at five o'clock. Had you not heard a Chairman's warrant was out against that witness before five o'clock on Thursday evening?—I had not. When was the first application made to you about apprehending this man?—On the Wednesday night about ten o'clock. Were you applied to to sign a warrant?—I was applied to by Mr. Keith and Mr. Joseph John Blake, to take their charge and grant a warrant. Did you refuse to take their charge and grant a warrant that night?—I think I wished them to call on the Mayor, and the reply was, that they had been to the Mayor, that he was indisposed, and wished me to take the case; and I said, as it was so late, and I did not do justice business at my own house, I would meet them on the following morning at ten o'clock at the Town-hall. You thought it too late to sign a warrant in a case of felony, when you were told the felon was in the town?—We do not sign a warrant without the usual form; the case is preferred before the sword-bearer, and afterwards the deposition is made, the warrant is then issued; I do not act as justice clerk myself. Was there no deposition made or offered to be made, that night?—Yes, offered to be made, there was, but at a very late hour. You refused to sign a warrant that night, or declined it—I deferred them till the following morning."

The hon. Member concluded by stating that he did not think that any one who had read the evidence could deny that the conduct of the Magistrates was strongly reprehensible, and he should conclude, therefore by moving "That Samuel Bignold and E. T. Booth, Esqrs., be taken into the custody of the Sergeant-at-Arms attending this House, and that Mr. Speaker do issue his warrants accordingly.

Mr. *Williams Wynn* thought that there was no precedent for the course proposed to be pursued by the hon. Member for Ipswich. It had always been the practice for any hon. Member, preferring a charge of breach of privilege against any individual, to state the grounds on which the accusation was founded—for having absconded, or been guilty of bribery, or some offence of that description; but simply to move that he be taken into custody for having violated the privileges of the House, and that without any Resolution to that effect being affirmed by the House, was a course of proceeding so unusual, that he hoped the hon. Member would see the propriety of abandoning his present Motion.

Mr. *Patrick M. Stewart* objected to the specific Motion of the hon. Member for Ipswich, because it appeared to him that the decision of the Committee did not warrant it. At the same time he felt it his duty to move an Amendment to the Motion of the hon. Member, which he believed would meet the wishes of all parties. He was persuaded that the impression made on the Committee was precisely that stated in the Report, and he was equally convinced that no one who heard the evidence with an impartial mind could come to a different conclusion. Therefore without going into any details which were already before the House, and which would speak for themselves, he was anxious that some further information should be afforded to the House on the conduct of the magistrates on this occasion. This might, he conceived, be effected without touching upon, or extending too far, any of their privileges by the Motion which he would submit, and which was, that Messrs. Bignold and Booth be ordered to attend at the Bar on Friday next.

Mr. *Rigby Wason* said, that he should adopt the Motion of the hon. Member, and withdraw his own.

Viscount *Stormont* said, that he knew it to be the most anxious wish of these Gentlemen to appear at the Bar of the House, and give every full and satisfactory explanation of their conduct, but before they came up it was necessary that he should say a few words to vindicate them from the suspicion which the Report of the Committee had cast upon them. He would state what occurred on Pilgrim being taken into custody at Norwich. The magistrates had sent for the Recorder and Town Clerk of Norwich, their legal advisers, with a view to consulting them, but before the arrival of those officers, Pilgrim was withdrawn from their custody, and sent to the House of Correction for safe custody. Mr. Bignold was a most respectable gentleman, of large property, and was not only a magistrate of Norwich, but also of the county of Norfolk. Mr. Booth was also a gentleman of great respectability: and both were quite incapable of joining in any conspiracy, as was insinuated, to defeat the ends of justice, or to violate any of the privileges of that House.

Mr. *Sheil* said, that when he inquired, a few nights ago, whether it was the intention of the noble Lord, the Secretary of State for the Home Department, that Mr. Bignold should be continued in the Commission of the Peace, the Attorney-General replied that the Government had no control over him, as he was merely a Magistrate, appointed by the Corporation of Norwich, but it now appeared that he was a Magistrate for the county of Norfolk also. If, therefore, no other Member of the House took the matter up, he should, on a future day, move an Address to the Crown to have Mr. Bignold removed from the Commission of the Peace.

Mr. *Scarlett* said, that so great was Mr. Bignold's anxiety to have an immediate investigation into his conduct, that, when he heard that his name was mixed up with the inquiry before the Ipswich Committee, he came to town and offered himself for examination before that Committee. He hoped this case would not be looked at in a partial light, because these Gentlemen might have supported one party rather than another at an election, but that it would be judged of on its real merits. The Magistrates did not feel that they were bound to liberate from their custody and give into the hands of another person a prisoner who was charged with a felony, upon the authority of a summons from the Chairman of an Election Committee. They would certainly not be bound to obey, in this respect, a *subpœna* from any of the superior Courts of Law. Nor would even the Speaker's warrant justify them in parting with their prisoner. If the law were otherwise, it ought to be declared, but he did not think it ever would; and until it was, the Magistrates had at least good grounds for doubting the authority of the Speaker's warrant to supersede their own. To come to a fair and dispassionate judgment on this question, the whole case must be heard, and when that should take place, he had no doubt of the entire exculpation of the Magistrates.

Lord *John Russell* said, that it was not his intention to go into the merits of this case at present; but he would suggest that, as the examination was likely to last several hours, it would be better to have the attendance of those gentlemen at the Bar on Saturday morning.

Mr. *Chapman* thought it would be better to refer the case to a Committee, and he should wish to include Messrs. Sewell and Blake in the investigation.

Mr. *Charles Buller* said, that he should also propose that Mr. Keith should attend. It was proper that he should have an opportunity of explaining at the Bar some very suspicious parts of his evidence. He moved that Mr. Keith be included in the order to attend at the Bar.

Mr. *Williams Wynn* admitted that he had not looked into the evidence as it respected Keith, and he thought it would be more regular if the hon. Member gave notice of his Motion to include Mr. Keith in the order.

Mr. *Blackstone* said, that after the unjust aspersions that had been cast upon Mr. Keith, he should, in justice to him, read parts of the evidence which he had given before the Committee. Here the hon. Member referred to the evidence to show that Mr. Keith had satisfactorily answered all the questions put to him, and had acquitted himself of all blame.

Sir *John Wrottesley* said, that by comparing the dates of the transactions in which Mr. Keith was concerned, it would be found that he was by no means blameless. It appeared that Mr. Keith went to Calais to tell Pilgrim that his desk had been broken open, and papers found which would lead to a prosecution against him for embezzlement if he returned to Norwich, but that while he remained out of England he was safe. This was clearly done to keep Pilgrim away, and to prevent his giving evidence. If this were true, Keith was clearly a party to the conspiracy.

Mr. *Williams Wynn* said, that if it should turn out that this charge of felony was trumped up against Pilgrim, those who were concerned in such a proceeding were, both in a civil and criminal sense, responsible; but it would be a very inconvenient course for that House to go into an inquiry as to whether the charge was a *bona fide* one, at a time that Pilgrim was about to be placed on his trial.

Mr. *Charles Buller* said, that he had not as yet gone into the case, which he was confident he should be able to establish against Keith, nor should he do so now, but should give notice to that effect for to-morrow, when he thought it would be found that the case against Mr. Keith was not so slight as some hon. Members seemed to imagine.

Mr. *Wodehouse*, on the part of Messrs. Sewell, Blake, and Keith, was prepared to state their perfect readiness to meet any investigation into their conduct. He could not, therefore, acquiesce in the premature judgment given by the hon. Baronet opposite (Sir J. Wrottesley) but would wait for the day of inquiry, when it would be seen who was right and who was wrong.

Mr. *Hughes Hughes* was very unwilling to prolong this discussion, but having been a member of the Committee, (and he might appeal to his hon. Friend, the Chairman of it, whether he did not pay every possible attention to the whole of the evidence) a love of justice impelled him to make one remark. He witnessed the demeanour and conduct, as well as heard the evidence, of Mr. Bignold the Magistrate, and of Messrs. Blake and Keith, the solicitors, before the Committee, and had a strong impression that the proposed examination of those gentlemen by the House, would terminate in their complete acquittal of every charge of conspiracy, collusion, or misconduct of any kind, with reference to this case. Having this persuasion, he had felt it to be his duty to state it, and to beg hon. Members to suspend their judgment upon evidence admitted to be both incomplete and *ex-parte*.

Sir *Robert Peel* said, that there could be no doubt that it was the wish of the House to have some further investigation, and he thought it would therefore be better for the hon. Member to make his Motion at once, rather than give notice for to-morrow, unless the House should require it.

Mr. *Charles Buller* said, that he should move at once, that Thomas Moore Keith be ordered to attend on Friday at the Bar.

It was finally ordered that Samuel Bignold, Esq., E. Temple Booth, Esq., Mr. Pilgrim, Mr. Money, the cashier of Messrs. Blake and Sewell, Mr. Barnes, a gaoler, and Mr. Keith, do attend at the Bar of the House on Saturday.

LORD HEYTESBURY'S APPOINTMENT.] Mr. *Winthrop Praed* rose to bring forward the Motion of which he gave notice some time back, relative to the appointment of Lord Heytesbury as Governor-General of India. He did not regret the delay which had occurred in bringing forward his Motion. The interval of two months, which had since elapsed, must have had the effect of calming, and, in a great measure, of removing, any feeling of asperity to which the discussion might have led, had the subject been brought under the notice of the House immediately after the notice was given. He trusted that the question, as it was one relating entirely to the government of India, would be considered entirely upon its own merits, and apart from all party and political considerations. Not troubling the House with any further preface, he would now proceed to state the facts of the case as shortly as he could. In the month of October last, some difficulty arising between the Government and the Directors of the East-India Company, as to the appointment of a successor to Lord William Bentinck, as Governor-General of India, the Directors proposed that Sir Charles Metcalfe should be appointed provisionally to succeed him, and to perform the duties till a successor should be named. The then President of the Board of Control, however, stated that Government declined to approve of the continuation of Sir Charles Metcalfe in the possession of that authority, and that it was their decided opinion that in the existing state of affairs in India no time ought to be lost in appointing a successor to Lord William Bentinck. In the following month, a change of Government took place, and, in January, 1835, Lord Heytesbury was appointed, by the Government of his right hon. Friend (Sir R. Peel), to the situation of Governor-General, in the room of Lord William Bentinck. It scarcely became him, holding the situation which he at that time held, to speak of the noble Lord who was at the head of the Board of Control at that period, but he would unequivocally declare his conviction that the only motive by which Lord Ellenborough had been actuated in selecting Lord Heytesbury was that he was a fit man for the situation. Between Lord Heytesbury and the then President of the Board of Control there was scarcely a personal acquaintance; no motives of improper partiality could, therefore, be imputed to his noble Friend. He would fearlessly assert, therefore, that Lord Ellenborough was wholly free from any imputation of that kind. The Government of Sir Robert Peel was put an end to in April, 1835, and the present Ministers thought fit to advise his Majesty to revoke the appointment of Lord Heytesbury. As far as he could understand no correspondence took place in relation to this very important step between the Directors and the Board of Control. The Directors had no opportunity afforded them of stating what objections they entertained to this extreme exercise of power—of saying whether they approved or disapproved of the revocation of the appointment, made so short a time previously. It was then notified to the Directors that no appointment of a successor to Lord William Bentinck would be announced until after that noble Lord's return to this country. By the Act of 1833 — the last Act in which the affairs of the Company were brought to a final arrangement—it was provided that if, within two months after a vacancy in the office of Governor General, no appointment to the situation was made by the Directors the nomination then lapsed to the Crown. From the correspondence which took place between the Directors and the Board of Control he understood that the two months were to be considered as commencing not from the appointment of Lord Heytesbury, but from the return of Lord William Bentinck. If that were really the intention of the Government, he (Mr. Praed) maintained that it would be an anomalous and unconstitutional proceeding, and would be placing the East-India Company in a position which they had never occupied before, and which could not fail of being most injurious to their interests, as well as to the good government of the great empire of India. Under the circumstances he had mentioned, if the Court of Directors were to recommend any successor to Lord Heytesbury, they would do so with the knowledge that the appointment, whatever it might be, would not be approved of by the Government. Was there any reason whatever which could enable a Government fairly to object to the appointment of Lord Heytesbury? If there were any personal objections to that noble Lord, if the right hon. Bart. (Sir John Hobhouse), without going into a disclosure of those objections, would state that he had found in the personal character of the noble Lord anything that led him to believe that in the noble Lord's hands the government of India would not be so well administered, or that the commands from this country would not be so fairly or discreetly obeyed, he would admit that his Motion must fall to the ground; but if it should turn out that there was no reason for vacating the appointment of Lord Heytesbury except that of a political difference of opinion, then he thought he could show that that political difference, however wide it might be, was not a sufficient reason to warrant the Government in the step they had taken. If there were no personal objection to Lord Heytesbury, could it be pretended that the circumstance of his having received his appointment from a Government professing principles opposed to that now in power should be sufficient to warrant the present Ministry in vacating it? Was the right hon. Bart. (Sir John Hobhouse) sure that because Lord Heytesbury was selected by a Government professing a different line of policy from that pursued by the right hon. Bart. and his colleagues, that the nominee of that Government could not be a fit servant of theirs? He appealed with confidence to the right hon. Baronet himself upon that point. Was there in Lord Ellenborough's administration of the affairs of India anything of such a nature as led the right hon. Baronet to think that any person appointed by him would necessarily be unfit to take part in the government of India? The noble Lord who lately presided over the Board of Control had left behind him sufficient evidence to show that he had no disposition to abuse the powers of his office. The very first measure of that noble Lord was the reduction of a lucrative office which had been established by his immediate predecessor, and of which his immediate predecessor had undoubtedly contemplated the continuance. Beyond that, he recommended the disuse of a foreign language in the courts of law, the discontinuance of the practice of paying the Judges by fees, and finally he recommended the abolition of the expensive establishment of the Bombay Marine. Then, with respect to patronage, he would give a single instance of the manner in which patronage had been dispensed by Lord Ellenborough. Within the course of a week after the appointment of Lord Heytesbury, Lord Ellenborough received an application on behalf of an officer, requesting the noble Lord to make interest with Lord Heytesbury to give him some situation under his government in India. Lord Ellenborough at once inclosed the application to Lord Heytesbury, adding, in a note by which it was accompanied, these words;—"I assure you that in transmitting to you these applications from others, the farthest thing from my desire is to influence your judgment in the selection of the fittest persons for every office." Now, as to Lord Heytesbury himself, was there anything in his character, could anything be shown throughout the whole of his political life, to prove that he was not fully entitled to the confidence of his Sovereign and of the country; anything to impugn his political conduct, his talent, or his integrity, whether in public or in private life? Such being the case, he thought he might fairly call upon the Government to state some specific reasons for the treatment that noble Lord had received, and not to fritter away so serious a case in vague declamation and general objection, founded merely upon slight political differences. Lord Heytesbury, it was well known, had, in the course of his life, filled many places of great trust, of great delicacy and difficulty, and in all had acquitted himself to the full satisfaction of those who had honoured him with their confidence. He need only allude to his mission to Lisbon. It was, he believed, his services there which were considered as having entitled him to the Peerage. He was placed there under circumstances of peculiar difficulty and delicacy, which required something more than mere personal character to bring to a successful issue. His conduct was highly approved of by Mr. Canning, and subsequently by Lord Lansdowne. If there was nothing—as he trusted he had sufficiently proved there was not—to object to in the public or personal conduct of Lord Heytesbury, he did not see what possible ground there could be for revoking his appointment, except it was, that his political opinions were not exactly of the same tendency as those of the present Government. He did not mean to deny that Government possessed the power of doing what they had done in this case; but he must deny that, admitting the power to exist, the discretion was here prudently exercised. It was not, properly speaking, an exercise of the original inalienable prerogative of the Crown, which was enjoyed independent of statute. The prerogative exercised here by the Crown was the creature of an Act of Parliament. The King's prerogative, properly so called, did not give the power either to appoint or to recal a Governor-General of India. The first Act which vested in the Crown the power of appointing or recalling a Governor-General of India was that of Mr. Pitt, in 1784. The great point of difference contested between Mr. Pitt and Mr. Fox, in their India Bills, was whether the patronage should rest with the Crown or with the Directors. By the Act, the power of appointment was vested in the Court of Directors, the Crown having the power of control over the appointment, and also the power of recall. He would read a short passage from the speech of Mr. Pitt, to shew what were his views upon this point:—

"The principal powers of the Board would consist in directing what political objects the Company's servants were to pursue, and in recalling such as did not pay obedience to such directions, or give satisfactory reasons to show that circumstances rendered disobedience a virtue." The Act of 1813 renewed the same powers, and he begged the House to observe that the political power thus continued to the Court of Directors was reserved to them in much more distinct terms by the Act of 1833. By the last named Act the Legislature took from the East-India Company all their commercial privileges, deprived them of their character of merchants, and left them exclusively the governors of India. If, therefore, it was deemed wise before that they should exercise this power with respect to the choice of officers and servants, it must necessarily be more desirable now, when they existed for no other purpose than that of governing India. Since the passing of the Act in 1784, when this power was first vested in the Crown, there was not a single precedent for the exercise of it in such a manner as in the recent case of Lord Heytesbury. He might perhaps be told that the case of Sir George Barlow, in 1806, was analogous to that of Lord Heytesbury, but a moment's investigation of the two cases would show that there was no analogy whatever between them. What were the circumstances of Sir George Barlow's case? Lord Cornwallis died holding the Governor-Generalship of India. His death was announced to the new Government twenty-four hours after they had kissed hands. In the difficulty —the almost impossibility of obtaining an immediate successor to Lord Cornwallis, Sir George Barlow was temporarily appointed. This appointment was declared as never intended to be permanent. But even supposing it to have been permanent, upon further consideration of Sir George Barlow's fitness, the Government of the day recommended the Crown to exercise its prerogative and to withdraw him from the Government. But there was this striking difference between the case of Sir George Barlow and the case of Lord Heytesbury. The same Government who recommended the appointment of Sir George Barlow, recommended the revocation of that appointment. Its revocation might have been wise or unwise; but it never could afford an argument that from thenceforward, on every change of Government at home, the opinions of individuals holding responsible situations in India should be inquired into, and their agreement or disagreement with the sentiments of the ruling party in England be taken as the ground for continuing or discontinuing their appointments. To admit such a proposition would be to establish a most dangerous precedent. There was also this difference between the cases of Sir George Barlow and Lord Heytesbury, that in the case of the former a considerable previous discussion took place between the Ministry and the Court of Directors, and the whole proceeding was conducted in a manner totally different from that which the Right Hon. Baronet the present President of the Board of Control had thought it necessary to adopt. In his opinion, nothing could be more unwise than that the direct patronage of the members of the Indian Government should be placed exclusively in the hands of the Crown. The test of political opinion here would be a very unsafe guide as to the qualifications of a man to discharge high and important duties in India. It was also necessary that the person appointed to fill the situation of Governor-General of India should possess the confidence of the Court of Directors as well as of the Government of the day. Besides, if such a principle were adopted with respect to the Governor-General, it would be necessary that the Governor of every separate presidency should be appointed in the same manner. Hence would result an instability and want of security in the Government of India, which could not be otherwise than deeply injurious to the interests of that country. No possible reason could be assigned for the treatment Lord Heytesbury met with but his being supposed to entertain political opinions not exactly consonant with those of the Government. The whole expense and trouble of preparation were incurred, everything was ready, nothing remained but that he should sail for India, but he was prevented from doing so. Now under those circumstances, if want of confidence, or in other words, want of coincidence in political opinion, would justify the cancelling of Lord Heytesbury's appointment, it would also justify his recall, if he had gone out. But was there any one who would contend, that the recalling of the noble lord on that ground would be justifiable under the words of Mr. Pitt's act, which in that respect was continued in 1833? There was another reason why this precedent was a most dangerous one. In this country, where the demand for men capable of filling all departments of the public service could be readily supplied, it was necessary that every important public office should be filled by persons in the confidence of Government; but in India there was often difficulty in filling many important appointments with men of proper qualifications; and if this principle of coincidence in political opinion with the Government at home were to be adopted, the difficulty would be increased by having to select from only one party—a principle which never had been adopted with respect to appointments in India. Another reason against the adoption of this principle was this—that it was most important to the stability of our dominion in India that the directors should have the great authority in their own hands, in order that the respect of the people of India should be continued to them. Was it, then, at such a moment as this that the Government should expose them to the contempt of the people of India by suddenly, and without any reason assigned, cancelling the appointment of the Governor on whom their choice had fallen? Let him add, that if the Government set the example of teaching Governors-General of India that they exist as such only by the contingency of agreeing in political opinion with the administration at home, they would teach them also to make all their patronage and influence subservient to the continuance of the Government at home. It was well known that since 1784 the Government had administered the affairs of India without any reference to European politics. He had the authority of one whose opinion on Indian affairs would have deserved weight with the House—he alluded to Mr. C. Grant, who stated his opinion as to the necessity of giving the company extensive power and who described its utility in these words:

"But there was one point which he could not omit to notice—it was, that by the interposition of the Company between this country and the people of India, India had been preserved from being agitated by those constant fluctuations of party and political feelings which were so strong in this country, and, than which, nothing could have opposed a more formidable barrier to the improvement of the people of India. He had now briefly stated some of the reasons which had induced the Government to believe that, on the whole, it would be the wisest plan to continue the Company in the political administration of the country."*

The Marquess of Lansdowne spoke to the same effect:—

"When they considered the many and important advantages which had accrued to the people of India and of this country from that Administration; when they considered the number of useful and able servants trained up by, and now in, its service; when they considered the importance in a part of the world where public opinion was so delicate of maintaining unimpaired a body whose ability in intervening between all party conflicts in this country had been so often manifested; when they considered that in that body was invested an immense patronage, which, amidst its political changes, neither Government nor Parliament could scramble for; when they considered that in their new and undivided character, as Sovereigns alone, the East-India Company would be enabled, still more than before, to maintain and extend the great interest confided to them; and, when their Lordships considered that the Company would still be accountable to Parliament for the course they might hereafter adopt, he trusted all would agree with him in the wisdom and propriety of this portion of the plan for the settlement of the question."*

In the same spirit his eloquent friend Mr. Macaulay observed:—

"What we want is a body independent of Government, and no more than independent, not a tool of the Treasury, nor a tool of the Opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body. It is as a Corporation neither Whig nor Tory—neither High-church nor Low-church. It cannot be charged with having been for or against the Catholic Bill—for or against the Reform Bill. It has constantly acted with a view not to English politics but to Indian politics†."

All he asked of Ministers was, to follow the example set by his right hon. Friend (Sir Robert Peel). When the right hon. Baronet (Sir R. Peel) came into office he found a gentleman appointed to the situation of Governor of Bombay. That gentleman had acted in opposition to the then Government, yet he was not recalled; but there was a still stronger case, that of a Member of the Legislative Council of Calcutta, Mr. Macaulay, who had been appointed by the Government preceding that of his right hon. Friend (Sir R. Peel), and whose recall, if the principle adopted by the present Government were to be adhered to, would have something stronger than the reason for the recall of Lord Heytesbury to recommend it. There was even something further, that might, independently of political considerations, have justified his recall. The gentleman to whom he alluded was Mr. Macaulay. When at the Board of Control he had an opportunity of observing some of the first acts of that hon. Gentleman, which, without going into their nature, might be fairly described as not in perfect fitness with the situation he occupied. He referred to the interpretation of a Clause in the East-India Act, and to the hon. Gentleman's situation as a Legislative Member of the Council. Without entering into a discussion of that question, he would merely say that that proceeding appeared to him fairly to subject the hon. Gentleman to some slight degree of censure. Now that hon. Gentleman was, in the strongest manner conceivable, opposed to the Government of the right hon. Baronet (Sir R. Peel), and if the difference between Lord Heytesbury and the First Lord of the Treasury were sufficient to justify the noble Lord's revocation, then the difference between Mr. Macaulay and the head of the late Government was sufficient to justify the Ministry in recalling him from his appointment. He knew that he had brought forward this question very imperfectly. To him it appeared a most important one, and therefore he thought it most desirable to state it calmly and temperately. However he might have failed to do justice to the question, he hoped that credit would be given him for avoiding everything tending to excite acrimony or party feeling. He was quite sure that, whatever might be the right hon. Gentleman's (Sir John Hobhouse's) opinion of the principle he had endeavoured to enforce, he would agree with him that with the management of East-Indian affairs no political partisanship should be mingled. When public servants were sent to India it was next to impossible, from the nature of their education and their habits, for them to judge of questions concerning the Indian Government except upon local information. It was therefore the duty of a Government to send out the most unprejudiced men, and not to add the ignorance of the stranger to the zeal of the partisan. On the same principle ought the House of Commons to act in passing their judgment upon official appointments to the Government of India, or otherwise they would adopt a course which, by general admission, must be most detrimental to the public interests. The hon. Member concluded by moving for copies of any communications which have passed between the Board of Commissioners for the affairs of India and the Court of Directors of the East-India Company, on the subject of the revocation of the appointment of Lord Heytesbury as Governor-General of India.

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* Hansard (third series) vol. xviii. p. 704.

* Hansard (third series) vol. xix. p. 165.

† Hansard (third series) vol. xix. p. 516.

Sir *John Hobhouse* would endeavour, in the best way he could, to follow the hon. Gentleman who had brought forward the Motion, through the address with which he had accompanied it. Perhaps, in the first place, he might be allowed to say, that he should be much better pleased, and the Government of which he was a humble Member, would be much better pleased, if a view of the duty which they owed to themselves and to the country, would permit them to produce the papers for which the hon. Gentleman had moved. Rising to answer and to explain why it was that the King's Government thought fit to advise his Majesty to cancel the appointment of Lord Heytesbury, it was not his intention in any way to detract from the acknowledged merits of that noble Lord. For himself he could say, that it would have been far more satisfactory, if he could have entered the office which he had then the honour to hold, without commencing by an act which he was quite aware might become the source of discontent between the Court of Directors and himself. With respect to the papers for which the hon. Gentleman had moved, he could not distinctly make out whether or not he intended seriously to insist upon having them. If he did so, undoubtedly it would be his duty decidedly to object to the production of them. In the first place he did so for the manifest reason that no good whatever could come from the production of them. The hon. Gentleman, the House, and the country, knew all that it was needful to know on the subject. The hon. Gentleman, the House, and the country knew full well that his Majesty's present Advisers had thought fit to recommend to his Majesty to negative the appointment of Lord Heytesbury to the Governor-

Generalship of India. If there were anything wrong in that, it was quite competent for the House of Commons to come to a decision on the fact, and to say at once that the prerogative of the Crown had been abused. If the House of Commons disapproved of the act of the Ministers, it was for the House of Commons to express its disapproval. The hon. Gentleman need not be told—for his experience must have taught him already—that it would be extremely inconvenient to produce any documents referring to a confidential intercourse between the Board of Commissioners for the Affairs of India and the Court of Directors. The hon. Gentleman must be aware that if it were so, generally speaking, upon almost every subject, more particularly must it be so upon the subject to which his speech had referred. Suppose, for instance, if it were the fact—which he did not mean to say it was—that in consequence of some communication which he (Sir J. Hobhouse) had held with the Court of Directors, he should feel himself obliged to take a personal objection to Lord Heytesbury, and that, in so doing, it had been his misfortune to bring forward a reason founded upon facts known to himself or to others, which might bear hard, or at least uncomfortably, upon the noble Lord—if that had been the case—he repeated he did not say it was—what would have been the inconvenience, what the impropriety of producing such documents as those for which the hon. Member had moved? And here, perhaps, he (Sir J. Hobhouse) might be permitted to quote the opinion of as great, perhaps a greater, man than any now to be found in the country—he alluded to Lord Grenville. In the year 1806 Lord Grenville resisted the Motion of Lord Melville for the production of the papers and correspondence between the Court of Directors and the then Board of Control, respecting the recall of Sir George Barlow from his situation as Governor-General, in this decisive and conclusive language—"If the private reasons and personal objections which made Ministers refuse the appointment of any individual must be made a matter of public discussion, no persons would be found to take the situation of Ministers. There might be many reasons why, without crime being imputable to an individual, Ministers might suppose him unfit to be trusted with the interests of millions. If, however, in every individual case Ministers were obliged to tell each individual to his face the personal objections they had to him, or if, which would be the same thing, their correspondence upon this subject were to be laid before Parliament, the situation of Ministers would be intolerable to any one who possessed the common feelings of a man. On these grounds he must object to the production of the correspondence moved for."* That which operated with Lord Grenville, and induced the Ministers of that day to say, that they would not tell why it was that they objected to Sir George Barlow being made permanent Governor-General of India, also induced him to say, on the part of the Government of which he had the honour to be a humble Member, that unless the House of Commons should force them, by a decided vote against them, they would not consent to inform the House why it had revoked the appointment of Lord Heytesbury. If the House should compel them, of course they must bow to its decision, but he thought it would not force them to depart from the uniform course hitherto pursued. If he were to follow the hon. Gentleman through the whole of his speech, pointing out where he was wrong and where right, he should be departing from the rule which had been laid down as that which it was his duty to pursue, and should be throwing more light upon the subject than he felt himself justified in doing. But there were one or two points on which, without going out of the course he had prescribed for himself, he thought he could answer the hon. Gentleman: points in respect of which the hon. Gentleman had stated that he considered the Board of Control to have failed in its duty. For the act of recalling, or more properly speaking of vacating the order for Lord Heytesbury's appointment, of course the King's Cabinet was responsible. If there was anything discourteous or improper in the mode in which the act was done, he alone was amenable; but he did not think that in his intercourse with the Court of Directors, he had ever done anything which could be considered as at all an encroachment on their honour, or as showing forgetfulness of their individual or collective respectability, as well as power. When the hon. Gentleman first approached this Question, he spoke of what had taken place as of a violation of the constitution. He had, in consequence, looked with some alarm at the Acts of Parliament bearing upon the Question, to see in what point he had violated the constitution, but had not been able to find any. The hon. Gentleman asked him why, on his own account, and on the responsibility of the Government, he had given the Court of Directors the assurance that there would be no appointment to supply the place of Lord Wm. Bentinck, for two months after his arrival? The reason why he had given that assurance was this. When the King's Government thought it their duty to vacate the appointment of Lord Heytesbury, they considered it right to intimate to the Court of Directors that they would not take advantage in any way of the lapse by which, according to both the old and the new Act of Parliament, if the Court of Directors did not appoint a governor within two months of the vacancy, the appointment fell to the Crown. Having made this communication to the Board of Directors, he had the satisfaction of being informed by them, that the arrangement was perfectly satisfactory to them. He did not mean that the vacation of Lord Heytesbury's appointment was satisfactory to them, for he believed it was most unsatisfactory to them; but he meant that the assurance that he gave them was satisfactory; he having received a communication from them, that his word of honour was sufficient for them. Shortly after, however, he had another letter from the Court of Directors, asking him whether or not his letter might not be fairly interpreted to mean, that the two months should commence to run from the arrival of Lord William Bentinck, and not from the vacation of Lord Heytesbury's appointment. In his reply, he said, that he thought there could be no doubt about his meaning being that the two months should commence to run from the vacating of the warrant of Lord Heytesbury's appointment; but he added, that if it was more agreeable to the Court of Directors, which he saw from their letter it would be, that the time should commence to run from the arrival of Lord Bentinck, the Government were willing they should have the greatest latitude in interpreting his letter, and that they were the masters to say whether the two months should commence to run from the vacation of the appointment of Lord Heytesbury or not. So far from this being a matter of charge against the Government he thought it should be matter of praise. The only thing in which there was the least appearance of a ground for complaint was, the embarrassing situation in which the Court of Directors would find themselves placed by the sudden accession to office of the hon. Gentleman opposite. Indeed, that was the main point urged upon him by the Chairman and Deputy Chairman, who, although they said they were willing to take his word, wanted to know how they were to be guaranteed against the appointments of the preceding Government? To this he had replied, that he could give no guarantee as to what would be done, but that he thought they need anticipate no difficulty if their opponents again came into power, as there could be little doubt of Lord Heytesbury being again appointed, but that they might be sure of removing all difficulty by announcing every two months that they had made an appointment, which he, with all civility, would tell them could not be agreed to. It was no fault of his (Sir J. Hobhouse's) that the hon. Gentleman had dragged into the discussion the name of a noble Lord, to whom he hoped he should not give offence by the manner in which he should endeavour to speak of him. The hon. Gentleman had asked, whether there was any thing about that noble Lord to which he or the Government had a right to object—whether there was any personal objection to him? meaning, he presumed, an objection connected with his personal character. His answer was, "None at all." How could the hon. Gentleman ask the question? The hon. Member asked, also, whether there was any political objection to the noble Lord, and at this question he was equally surprised. Another question might answer it. Did the hon. Gentleman think, that supposing the present Government had been in power at the time, they would have appointed Lord Heytesbury.—[Mr. *Praed:* No.]—Would it have been a charge, then, against the Government for not appointing him? Did the hon. Gentleman really think that he was bound to state to the hon. Gentleman what his objections were to Lord Heytesbury, except that his appointment would not have been justifiable in the eyes of the present Government if its members had been at the time in office? But he would put another question to the hon. Gentleman. If Lord Heytesbury had under these circumstances gone out, did not the hon. Gentleman think, and would he not feel himself bound in candour to confess, that the present Ministry would have been responsible for the acts of that noble Lord?—[Mr. *Praed:* The late Government did not recall Sir R. Grant.]—The cases were quite distinct, as he should presently show. Had Lord Heytesbury gone out, he would have had to receive his instructions from the present Government, and supposing he had received instructions from the Office he had the honour to hold, would not the Government and himself have been answerable for the noble Lord's administration of the affairs of India? [Mr. *Praed:* Certainly.] Then that was the real long and short of the objection. The King's Government had to consider whether it would be answerable for Lord Heytesbury's government in India or would not; and not wishing to be answerable for it, the course it had to take was simple and obvious. Not only were they justified in vacating his appointment, but called upon by the constitution to do so, for it was one of the first principles of the constitution that there should in all cases be responsible advisers for every act done. This was the real cause of Lord Heytesbury not going to India. The hon. Gentleman had asked him whether or not, since he had had the honour of being at the Board of Control, he had not seen proofs of the extreme liberality of Lord Ellenborough, and whether he had not thought it his duty to confirm several of his acts? He was a most incompetent person to reply to such a question, for he had been in that office but a short time compared with the noble Lord; but, although he might think him a fit head of the Board of Control, as far as capacity was concerned, that was a very different thing from approving of a nominee of his as Governor of India. Of course he objected to that. He did not object to Lord Ellenborough's capacity to sit at the Board of Control, but he objected very much to his sending a Governor-General to India for him. He was willing to admit that he had seen proofs and documents which convinced him that Lord Ellenborough took very large and enlightened views of public policy; but that opinion, which he only gave because he was asked for it was quite a distinct thing from the inference the hon. Member wished to be drawn from it, viz., that because he considered Lord Ellenborough an enlightened and able man, calculated to play a distinguished part in any Government, he should therefore confirm his appointment of Lord Heytesbury, who had not sailed from this country. There were, moreover, some points on which he took the liberty of differing from the noble Lord; and the objection to confirming his appointment was much strengthened by the singular fact, that the Governor-General received no instructions in writing on leaving this country, either from the Court of Directors or the Board of Control. If the noble Lord had gone to India with the verbal instructions he had received from Lord Ellenborough, they might as far as his own opinion was concerned, have been right or wrong, and the only mode there was of freeing himself from his apprehensions, was by giving Lord Heytesbury his instructions, that was, to become the Minister responsible for his acts, which he did not choose to do; and, therefore, with the concurrence of the other Members of the Government, the vacation of his appointment was advised. The hon. Gentleman had not disputed the King's prerogative. That was too bold a task for him to undertake. But he had made use of an argument which his reading must have informed him had been had recourse to without effect in the debate of 1806. He stated, that by the Act of 1784 (Mr. Pitt's Act) the real substantial power of selecting the Governor-General of India, was meant to be vested entirely in the Company, and that the whole spirit of the Act was in favour of that proposition. Now, in the debate of 1806, Viscount Melville broadly laid down the principle upon which he (Sir John Hobhouse) now rested, and appealed to Lord Grenville, who was in Parliament at the passing of the Act, to say whether the intention of the Act was not to establish that principle. Lord Grenville afterwards said, "He had been appealed to personally as to his recollection of the intention of the Legislature in passing the Act; he should, therefore, declare most solemnly, that it was as clearly in his recollection, as if the transaction was of yesterday, that it was certainly intended that his Majesty's Ministers should have the power of recal at their own discretion."* The hon. Gentleman appeared willing to allow that proposition. What complaint, then, was there against the Government for having exercised its discretion in this instance? There was none; and the hon. Gentleman had not been able in his speech to make out any cause of complaint. He would here take the liberty of making a remark upon one circumstance which he was sure must have struck the hon. Gentleman in his consideration of this subject; it was, that those best acquainted and most intimately connected with India had not thought it worth while to take any special notice of this recal of Lord Heytesbury. The hon. Gentleman must be aware that it was in the power of nine East-India proprietors to call a Special Court for the purpose of considering any subject of importance; but although the vacation of Lord Heytesbury's appointment had taken place two months and a-half back, no Court had been called for the purpose of considering it; and on Wednesday last, which was the first opportunity the proprietors had of taking the slightest notice of the matter, so little attention did it attract, that he was informed by an eye-witness, there were no more than twenty proprietors present beside the Directors, when an ex-Director gave notice, on the part of an absent proprietor, that he meant on a future occasion to bring the subject forward. If, then, those most interested in the affairs of our vast Eastern empire had not thought themselves called upon to complain, what right, or perhaps, more properly speaking, what just pretext for complaint could the hon. Gentleman set up? The hon. Gentleman had said, that the course taken by the Government would be injurious to the authority of the Court of Directors in India. Perhaps that effect might, to a certain extent, follow, as it might have followed from reading the accounts of the great discussions which took place in this House in 1833, when the King's Government were opposed on all the important parts of this Bill by influential members of the Court of Directors, and when the King's Government carried the Bill through the House in spite of them. But if it were necessary that a cordial sympathy should exist between the head of our vast empire in the East, and the King's servants at home, it was better that the Court of Directors should receive that shock, such as it was, than that the cordial sympathy he spoke of should be destroyed. The hon. Gentleman had stated (and he believed correctly) that it had been hitherto supposed, that the appointment of the Governor-General involved no political feeling. However that might be, he had the authority of a very distinguished member of the present Court of Directors, delivered in a letter written in 1833, in favour of the doctrine, that the Governor-General must have the confidence of the Administration at home. Mr. Tucker in his dissent, to certain parts of Mr. Grant's (now Lord Glenelg) new India Bill, said, that although he thought that the Councils of India should be appointed by the Court of Directors, yet that the Presidents themselves could not be. His words were these —"We do not exercise the same independent power in appointing the Governors of India. His Majesty's Ministers must, for obvious reasons, be parties to such appointments. These high functionaries have generally been political characters of distinction connected with the Administration, and they must possess the confidence of the national Government." These were the words of Mr. Tucker in 1833. If, therefore, Lord Heytesbury had gone out, the anomalous precedent would have been established of a Governor-General leaving England for India in whom the Government of the day had no confidence. Did the hon. Gentleman mean to say, that that would be right? He could not say so. For his own part, looking to the complex manner in which India was to be governed, they would have set a precedent liable to the most pernicious abuse, if they had allowed a man to proceed to India, who, whatever his private character might be—whatever his capacity might be—had not the approbation of the Government in concert with which he was to act. The hon. Gentleman stated, that the right hon. Baronet lately at the head of the Government, acted in a manner very different from the present Government, and instanced the case of Sir Robert Grant and Mr. Macaulay. But was there any similarity between the two cases? Was the right hon. Baronet responsible for the appointment of Mr. Grant or Mr. Macaulay? Certainly not; and had Lord Heytesbury been on his passage to India, when the present Government came into office, he was far from saying, that he should have been ready to advise his recal. With respect to Mr. Macaulay, individually, he would say, with all respect for both sides of the House, that he thought it might be quite as well for them that that right hon. Gentleman was not recalled. But really what had Mr. Macaulay done, that Lord Ellenborough should take credit to himself for not recalling him? When the hon. Gentleman asked, what Lord Heytesbury had done that the present Government did not confirm his appointment, he should have been prepared to show, that there was good ground for recalling Mr. Macaulay, before making it a matter of boast, that he was not recalled. It appeared that there had been a difference of opinion as to the construction of a Clause in the Act of Parliament, and that he had signed papers both in a Legislative and Executive capacity. Lord Ellenborough, on learning this, took Counsels' opinion on the point, and had for answer, that the Act of Parliament did not permit Mr. Macaulay to act in any way except as a Legislative Member of the Council, and that a power of interference on his part as an Executive Member, was not sanctioned by the Act. There were, however, some doubts as to the correctness of that construction, and when the matter was before him (Sir John Hobhouse) three or four days ago, he was not quite sure whether some precise order should not be sent out to prevent any mistake in future. But that Mr. Macaulay had committed any gross error, of a nature which would justify his recall, he denied; and he denied any merit to the late Government for not recalling him. He would only briefly refer to the manner in which Lord Heytesbury's recall was made, and for which, as he before stated, he alone was responsible. If there was anything improper in it, he was sorry for it; but he believed there had been no want of courtesy on his part, and no informality of which the Court of Directors could justly complain. It was his interest, as well as his pleasure, to keep well with those Gentlemen with whom he had the honour of conversing once a week. But the hon. Gentleman said, that the fact was communicated to the Court of Directors without those previous long conferences which took place when Sir George Barlow was recalled from India. There were no such conferences, he admitted, in the present case, and for the best of all reasons, that the only reason for the conduct of Ministers was, that they had no confidence in Lord Heytesbury, and no arguments of the Court of Directors could have persuaded them to have confidence in him. He was not aware that it was necessary for him to trespass any further on the attention of the House. The Government (continued the right hon. Gentleman) might, indeed, have adopted a different course; they might have shrunk from the responsibility attached to their high office —they might have concealed cowardice under the mask of candour, and have taken credit for a forbearance which their conscience would have told them, was prompted solely by fear. By such conduct they would perhaps have won the temporary and insincere applause of their adversaries; but they would have incurred, and would have merited, the suspicion, if not the censure, of their adherents. Such conduct would have disgraced any Administration in any day; but for men engaged in great, in perilous, and he must be permitted to add, honourable and useful enterprises—for men presuming to hold the reins of power in these times, to delegate duties of the highest importance to any but functionaries of known and tried attachment both to their principles and persons —"such feebleness, I say, would be not only foolish but fatal. For, yielding, as would have been the case in this instance, to difficulties of their own creating, and which a due regard to their honour and to their interest, would have forced them to encounter, they would, it is probable, have dropped from concession to concession, until losing the last remnants both of their power, and their character, they would have fallen for ever, covered with the bitter scorn of their enemies, and the contemptuous pity of their friends. For my own part, I would rather fail at once in an honest effort, surrounded by faithful friends, than owe a precarious success to the cold co-operation of dubious, distrustful allies. With the one I could console myself under defeat; with the other, I could scarcely be reconciled to victory." These principles of Government, if they were correct at any time, were peculiarly correct at this particular time; and he thought, that amongst many things worthy of notice, and which would descend in the page of history to posterity, relative to the conduct of the right hon. Baronet who was lately at the head of his Majesty's Government, was the declaration of that sentiment, in which he declared and upheld the necessity of a cordial attachment between men leagued together for a good purpose, and in which he overthrew that miserable pretence of consulting "measures and not men." He trusted, that the present Government would act upon that principle. He trusted, that having commenced by this step (which he admitted did seem to be a hardship, for he owned that that was his first objection to it, and that he felt that it looked as if partaking something of personality and of political animosity; but feeling the necessity of acting upon this, to him incontrovertible principle), he trusted that the Government with which he had the honour now to be connected, would persevere in it, and that whenever they were imperiously called upon to do so, they would act in strict conformity with the principle upon which he had now justified Lord Heytesbury's supercession. He was quite sure, that by so acting, they would be supported, not only as far as the authority of Parliament went, but would be backed by their own consciences, as well as by the approving voice of their country. He was obliged, therefore, to oppose the production of these papers; for he could not be a party to the disclosure of a confidential correspondence between the Board of Control and the Court of Directors. If, however, the House forced him to produce the papers, he must yield to its decision; but it would not be his fault, nor ought he to be considered as any party to what he should deem to be a very bad and pernicious precedent.

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* Hansard, vol. vii. p. 962.

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* Hansard, vol, vii. 959.

Mr. *Herbert* considered the right hon. Baronet to be too delicate about the meaning of words. This suspension of the appointment of Lord Heytesbury was equivalent to his actual recall. Was there any cause to suppose that the noble Lord would be guilty of any such delinquency as the right hon. Baronet seemed to suspect? The right hon. Baronet was bound to show his reasons why he took such a step as the one under discussion. He would again ask the right hon. Baronet what delinquency was committed on the part of Lord Heytesbury? In the year 1831, a similar appointment had been made in despite of party opinions. That was a time when the question of the affairs of Belgium and Poland were agitated, and there was a letter from Lord Palmerston placing confidence in the then Governor-General of India. If political bias should be a motive for this appointment it ought to have been exercised at the time of the Revolutions of Belgium and Poland. It was strange that it should now be employed, simply for the reason that the noble Lord differed from his Majesty's Government as to the appropriation of the revenues of the Irish Church. With respect to cases of this description, he apprehended that the powers of the Directors were to punish those who offended, and not to appoint their own political partisans. In India there were two classes of persons—one enlightened, and the other less so. One looked up to the institutions of the Mother Country, and thought that they ought not to be controlled by a despotic Government. He must tell the right hon. Gentleman that this latter opinion was fast gaining ground in India, and that it was important that Government should go every length to satisfy it, and that no suspicion should be cast on any appointment it might make.

Mr. *Hogg* considered the opinion of the right hon. Baronet a very dangerous one, namely, that the appointment of the Governor-General of India should be a political one. In the person appointed some confidence ought certainly to be placed, but he differed entirely from the ultimate conclusions of the right hon. Baronet. When a Governor-General was once appointed by the Crown his appointment should not be suspended except in case of gross misconduct or incapacity. The intention of vesting such a power in the Crown, clearly was that it should be exercised only in cases of gross misconduct or actual incapacity, and this he thought was a view of the matter which the case of Warren Hastings fully established. A Resolution for the recall of Warren Hastings was passed in 1782, and this Resolution received the sanction of the Court of Directors, but the Court of Proprietors adopted a counter-resolution, and the consequence was, that Warren Hastings remained where he was until 1784. When the subject came under discussion in 1783, what was the conduct of Mr. Fox? Why, he pointed out the manifest absurdity of considering the office of Governor-General a political appointment, observing that were his (the Governor-General's) "projects the most enlarged, his systems the most wise, and excellent which human skill could devise, what fair hope could be entertained of their eventual success when, perhaps before he could enter upon the execution of any measure he may be recalled, in consequence of one of those changes in the Administration of this country which have been so frequent for a few years." Here then was the authority of Mr. Fox in favour of the argument that the prerogative of the Crown had not been properly exercised in the instance of Lord Heytesbury; for if the appointment was not to be regarded as a political one surely the recall of that noble Lord was not to be justified. Lord Castlereagh, in 1813, stated that the power of recall, vested in the Crown, ought not to be exercised except in cases of gross misconduct or actual incapacity; and to show that this was the principle which had been acted upon many precedents might be cited. Now he would mention two, namely, the case of Lord Minto and Lord William Bentinck. Changes had taken place in the Governments by whom those noble Lords were appointed soon after they had sailed for India, but still they were not recalled, because it was then admitted that the political changes in this country could in no wise affect such appointments. Lord William Bentinck was not, perhaps, exactly the man whom the Duke of Wellington would have chosen as the Representative of his Government in India; but still, as his appointment had been sanctioned by the Crown, the Duke of Wellington did not think that he would be justified in interfering with it. To adopt another principle now would have the worst possible effect, as the only tendency it could have would be that of rendering the authority of the Governor-General less respected in India than it was desirable, on many accounts, it should be. The hon. Gentleman said that nothing could be more pure than the way in which patronage was administered in India. The Governor-General looked only to merit, standing experience, and general qualification; and as that was the case, as he excluded from his mind everything like politics and party, the only use that could be made of the adoption of a new principle, in reference to this appointment, was to subserve election purposes, to the prejudice of the best interests of the country.

Mr. *Cutlar Fergusson* said, that his hon. Friend who had just spoken, had addressed his argument entirely to the question of the recall of a Governor-General from India; whereas the question before the House was not one respecting the recall of a Governor, but merely as to the vacating of an appointment. He should be extremely sorry to say anything that could take away from the respect due to the Court of Directors; but although he did not attach any blame to them, or to the late Government, for the appointment of Lord Heytesbury, yet he did not think that their authority would be impaired by the exercise of the power possessed by the present Government over that appointment. This was a particular case. It was not a question of recall. They were about to commence a system totally new in the Government of India; and which system was established by the persons who were now his present Majesty's Ministers. It was, therefore, but safe and right that those persons, being now in power, should select an individual most in their confidence, and whom they knew to be most friendly to that new system which they had established there, for the purpose of carrying the objects of the new India Bill into complete effect. It was well known that ever since the establishment of the Board of Control, the appointment of Governor-General had been a Government appointment to all intents and purposes. He believed that some of his right hon. Colleagues in the Court of Directors had never thought otherwise than that the individual appointed ought to possess the full and entire confidence of the Government of the day. Under the whole circumstances of the present case, considering that the appointment was not complete, and that Lord Heytesbury never had been sworn in, he contended that the Government would have failed in discharging a duty towards themselves, and incurred a responsibility they were not bound to incur, if they had continued in office a person in whom they had not confidence, and failed to propose an individual in whom they had confidence to carry into effect, when the proper time for so doing should arrive, the great objects the Government had in view.

Mr. *Buckingham* said, that after the clear and unanswerable reasons offered by the right hon. the President of the Board of Control (Sir John Hobhouse) for cancelling the appointment of Lord Heytesbury, he had hoped the debate would have terminated by the withdrawal of the Motion made by the hon. Member for Yarmouth (Mr. Praed). But as, in the course of the speeches subsequently delivered, there had been much that was calculated to lead the House into error, he was anxious, before the debate was concluded, to remove some of the misconceptions into which hon. Gentlemen had apparently fallen. The hon. Member for Beverley especially (Mr. Hogg), whose long residence in India might give weight to his authority, had said that the civil and military servants of the East-India Company were a well-educated, intelligent, and high-minded set of men; and he contended that their reverence for the authority of the Company would be very much weakened by seeing them thus treated by the King's Government, who had annulled one of their most important appointments, and abruptly set aside the Governor-General of their choice. Now he (Mr. Buckingham) was perfectly ready to concur with the hon. Member for Beverley in the just eulogium which he had bestowed on the education, talents and high-mindedness of the Civil and Military service of India: but it was for that very reason that he was persuaded that no such effect would be produced in their minds by this act of the Ministry, as the hon. Member seemed to apprehend. They were, indeed, as perfectly competent to form an accurate judgment on the policy of England, and on the public measures of public men in this country, as we were ourselves: and knowing as they did know, that in all past times the Governor-General was actually appointed by the King's Ministers—though nominally appointed by the India Directors—they would be prepared to see the same course followed in the present instance. It was indeed a most erroneous supposition to imagine that the India Directors had any choice whatever in the appointment of the Governors for their Presidencies abroad. The law was this:—That the nomination should be made by the Directors; but the appointment could not take place without the confirmation of the Minister; and therefore, to save time and prevent mortification, the constant usage was for the Cabinet to select the individual whom they desired to see appointed, and then to intimate their wish to the Directors, who accordingly nominated him for the office, whether they liked him or not, well knowing that if they did not nominate the man of the Ministers' choice, it would be useless to name any other, as the Ministers would never confirm such nomination; and it would therefore be useless to make it. This, however, was one of the many fictions which the admirers of ancient usages continued to keep up, and by which the public were deluded: though he must say, for himself, that the sooner this double-dealing was put an end to, and the appointment made direct from the Crown, without any interference of the Company at all, the better. But the two reasons which weighed most strongly with him in favour of the course pursued by the hon. Baronet, the President of the India Board, in cancelling Lord Heytesbury's appointment were these:—First, that as this Member of the Cabinet, as a Minister for Indian affairs, would have to answer, in this House, for the conduct of the Governor-General, in India, whenever that conduct should be called in question, so it was of the utmost importance that such Governor-General should be the person of whom the Cabinet generally most approved; and who possessed the entire confidence of the Minister for Indian affairs especially; for without this entire confidence in the fitness of the Governor for his office, no Minister ought to be expected to undertake the responsibility for his proper discharge of its duties. Secondly,—that a new and great experiment was about to be tried in India by the charter of 1833; which emanating from the men composing the present Ministry, ought to be carried into effect by a man of their own choice. By this charter, for the first time in Indian history, British settlers were to be allowed to colonize in India, and purchase lands, for the first time a comparatively free trade between this country and India was to be passed; for the first time the natives of India were to be admitted to places of trust and emolument in the administration of public affairs; and above all, for the first time, a legislative council was to prepare a code of laws for the better government of Europeans and native Indians, in one and the same state of society. Now, the success or failure of this great experiment, might be much influenced by the character, capacity, and bias of mind of the new Governor-General; and he was, therefore, prepared to say, that if ever there was one period more than another, in our Indian history, when it was most important to have a perfect harmony between the governing power in India, and the governing power in England, this was that period, in which a false step might produce irretrievable calamity, and in which a sound choice might entail innumerable blessings. He might add, that no possible inconvenience could accrue from the suspension of this appointment at the present moment, because happily for England and for India, the individual now left in temporary charge of the Government, subsequently to the departure of Lord William Bentinck from India, was one of the most able, enlightened, and liberal, and one of the most distinguished and popular of all the Company's servants in that country; he meant Sir Charles Metcalf. For himself, he was not very favourable to the practice of one Governor-General retiring before another came to fill up his place, and leaving the supreme power, in the interval, in the hands of a temporary functionary, and that, too, a servant of the Company, a practice most objectionable for many reasons, which he might urge on the House, were he not anxious to avoid the protraction of this debate. But before he sat down, he must advert to one argument that had been urged on the other side, which was this—that though in the appointment of Ambassadors at foreign Courts, it might be essential that the Ambassador should possess the same political views as the Ministry for the time being, and, therefore, enjoy their fullest confidence, yet that in the appointment of a Governor-General for India, no such coincidence of opinion between the Cabinet and their Representative was necessary, as the Governor-General of India ought not to be a political character, nor his selection to be dictated by political motives Now, he confessed that this was the most extraordinary, and he would venture to say the most indefensible, argument that had been used throughout the whole of the debate. To his mind it appeared that if there was one appointment under the Crown more than another, in which the individual appointed ought to have the entire and unlimited confidence, moral and political, of the Cabinet by which he was appointed, it was this: and for these plain reasons, first, the great distance at which the two countries were separated, rendering frequent and speedy communication almost impossible, more cases must arise in which the Governor must be left to act entirely on his own discretion, from the absolute impossibility of his obtaining the necessary instructions from home in time to regulate his conduct on the varied events that might transpire. Secondly, the immense number of the population—a hundred millions at least—with the endless variety of their sects and opinions, their castes, and their superstitions, must require the greatest vigilance and caution to control. Thirdly, the scantiness of the independent body of Europeans, not in the service of the Crown or the Company, and the consequent difficulty of bringing out the bold and fearless expression of public opinion, either through public meetings or the press, which exercised so powerful a control over public affairs in this country, must require a higher degree of public virtue in the ruler not to degenerate into a love of arbitrary power. For all these reasons, and for many more which might be adduced if time permitted, he sincerely hoped that the House would support the right hon. Baronet, the President of the India Board, in his resistance to the Motion now before it. The best interests of England required that the great experiment of the new Charter for India should be fairly tried. The best interests of India were happily, in this instance, interwoven with our own; and he, therefore, thought that the present Ministry would be neglecting both if they did not persevere in their determination to give to India the best and fittest person they could select to fill the high station of its supreme Governor.

Mr. *Cressett Pelham* said, it appeared to him that this was not a Question which affected the credit of Ministers as regarded their own party. Until he heard the statement of the right hon. Member for Kirkcudbright, he had always thought that the appointment of the Governor-General was really vested in the Court of Directors.

Sir *Robert Peel* said, that he observed the noble Lord opposite watching anxiously for the opportunity of going into the Committee on the Corporation Bill, and, therefore he would detain the House but for a very short time whilst he made a few observations upon the Question before the House, and he promised that he would compress what he had to say within the smallest possible compass. He had listened to the speech of the right hon. Baronet, the President of the Board of Control, with considerable attention, and he must be allowed to make a distinction between the tone and manner of that speech and its object. For the tone and manner of his speech he gave the right hon. Baronet credit; the fair manner in which he stated the case, and the generosity with which he bore testimony to the merit, where he could do so, of his predecessor in office, though opposed to him in politics, and his abstinence from reflections on the personal character of Lord Heytesbury were highly honourable to him. The right hon. Baronet relied upon one single point, namely, that he had not confidence in Lord Heytesbury, on account mainly of their difference of opinion on political topics. The right hon. Baronet, however, had not convinced him that the exercise of the King's prerogative, which he had advised, was justifiable. The right hon. Baronet said, that he had not confidence in Lord Heytesbury, and that, therefore, he refused to sanction his appointment, and he added, that he would not let Lord Ellenborough nominate his Governor-General. If the right hon. Baronet's argument were well founded, it went to this length, that he must carry into the Government of India the colours and shades of our political differences, and the example derived from the fountain head, and applied to the chief officer of the Government, could not fail to introduce into India, for the first time, party dissensions and factions, and thereby to weaken the control we had over the dominion of those vast territories. The right hon. Baronet said, that if Lord Heytesbury had proceeded to India he would not have recalled him. Why not? If a want of confidence in Lord Heytesbury, grounded on a difference of political opinion, justified the revocation of the noble Lord's appointment, would it not also justify his removal from the Government of India supposing he had assumed it? If it were necessary that the Governor-General of India should be a person in whom the Government placed confidence —founded on an identity of political opinion—then he contended that the mere circumstance of the Governor-General being in India, or having set sail, made no difference whatever as to the application of the principle. If the principle was to be laid down as one on which a Government ought to act, he (Sir Robert Peel) ought to have recalled Sir R. Grant and Mr. Macaulay. He was just as much responsible for the exercise of their functions as the present Government would have been for the conduct of Lord Heytesbury. The only difference between the cases of a Governor-General recalled and one deprived of his appointment before setting sail was, that in the former a greater amount of individual hardship would be sustained. The right hon. Baronet said, that he would ally himself with those with whom he agreed in political sentiment, and did him (Sir Robert Peel) the honour to appeal to his authority upon that point. He agreed with the right hon. Baronet. He recognized the principle that the confidential offices in this country, connected with the executive Government. ought to be filled by persons whose political sentiments were congenial with those of the Government. He did not, however, act upon the principle which the right hon. Baronet had applied to Lord Heytesbury, for he retained in office gentlemen whom his predecessors had appointed to situations not connected with the executive department of the State. The principle which he recognized did not apply to India—that was a neutral territory into which politics ought not to be allowed to enter. Conceding the principle with respect to confidential offices in this country —agreeing with the right hon. Baronet that that Government deserved no respect which tried to conciliate favour by retaining in office persons in whom they had not confidence, he was prepared to contend that principle was not applicable to the case under consideration. Neither the history of the Act of Parliament, which limited the prerogative of the Crown, nor the practice under the Act, nor the policy pursued in India, nor the admissions of the right hon. Baronet himself, justified the proceedings which had taken place with respect to Lord Heytesbury. The confidence which the Government ought to have in a person filling the office of Governor-General should be founded, not on identity of political opinion, but on his general integrity, which would ensure the fulfilment of the instructions he might receive. The Act of 1784 was intended solely to reserve to the Crown the power of removing the Governor-General in case of delinquency; not to ensure the appointment of a partisan. What had been the course of practice under the Act? The right hon. Baronet had quoted only one case—namely, that of Sir George Barlowe in which the power of removal had been exercised without imputed delinquency, but the circumstances of that case were totally different from those of Lord Heytesbury's. The examples in the opposite direction were numerous. Lord Minto was appointed by the Whig Government, and sailed in March. Mr. Perceval came into power in April, and could, by sending a fast-sailing vessel after his Lordship, have recalled him, but he did nothing of the kind. The case of Lord William Bentinck was still stronger. His Lordship was appointed by one Government, and retained in his appointment under two successive changes of Administration, and did not sail until a month after the Duke of Wellington's Government was formed. That case, therefore, supplied a second instance in favour of his argument; for there the principle for which he contended was again ratified and confirmed. Provided the Government have confidence in the general integrity and experience in public life of the individual appointed, they do not contract any personal responsibility by continuing him in office. The right hon. Gentleman seemed to consider he put a conclusive question, when he asked, "Would I have appointed Lord Heytesbury?" Certainly, he must presume, not; but then he might put another question, and ask, "Would he have appointed Sir Robert Grant or Mr. Macaulay?" No. If he had more confidence, then, in some other person, why should he not have recalled Sir Robert Grant, and sent out some person in whom he had confidence? He did not think it possible for the right hon. Gentleman to give this argument a valid answer; and if he could not, had he not a right to assert, upon the authority of the case of Sir George Barlow, that in the instance of Lord Heytesbury's appointment, the prerogative of the Crown had not been exercised in accordance with precedent. He would say one word upon an important point—namely, the bearing which the proceeding would have upon Indian affairs. It was impossible to put out of consideration the peculiar circumstances under which our dominion in India was exercised. After all, it was impossible to deny that our dominion was not recommended to the natives of India by any participation on their parts, in our political feelings or admiration of our civil institutions, it rested mainly on a general confidence in our justice, and a conviction of our power. We had been able to retain our dominion over 80,000,000 of natives by proving to them that there existed amongst the foreigners who governed them a complete unity of purpose. To introduce party divisions among the foreigners in India, to prove to the natives that they are separated by the same animosities which separated us here, would do more to undermine our authority in India than anything which he could imagine. By the recent measure the number of British settlers in India had been multiplied; and although the Government of that country might have acquired some accession of physical strength by that means, it would be as nothing compared to the results likely to ensue from the introduction of the seeds of party dissension, and that general misery which party spirit is sure, sooner or later, to give birth to. He complained that the King's Government had refused to concur in the appointment of Lord Heytesbury; and he did so, because ever since the King's assent was required for the confirmation of this appointment, the Government of the country had always acted on the principle to which he had alluded. This appointment, it should not be forgotten, was made by the Court of Directors, under the sanction of the Sovereign; and it would go far to weaken the Royal authority in India, if an appointment which had been formerly made by the Directors, were to be set aside at the will and pleasure of the executive Government. The intention of the Legislature was, that the King's consent having been given to the appointment made by the Court of Directors, the means should be reserved of removing the individual for any dereliction of duty; but the appointment was to be held as good until valid, and sufficient reason to the contrary should be shown. The course of proceeding complained of by his hon. Friend, had a direct tendency to undermine the English authority in India. The Legislature had stripped the Company of their Charter as merchants;—"but," it said, "we will still respect them as a political body." Could anything be better calculated to sap and destroy the remains of the Company's authority, than to say to the people of India, "Although the Company had appointed a Governor-General, so little respect have we for the Company, that as soon as a change takes place in the Government at home, we change the Governor who may have been thus appointed by the Company!" Why was the East-India Company reserved in their present form as an intermediate body between the original legislation of the old Indian Government, and the direct intervention of the Government at home? He apprehended that, in the first place, the force of prescription operated; that it was felt to be inexpedient to discontinue that power of administration which the Company had theretofore exercised, wisely and well. This was one reason, and, if it was a good one, it was certainly the only way by which the respect of the legislature for the Company could be shown. Another reason was, that the Legislature was afraid to intrust the Executive Government at home with the vast patronage of India, and it desired to have that patronage exercised by a body independent of the Government. Yet, the first act of Government was to revoke this Resolution, and take away the appointment from those in whom the Legislature had vested it. The right hon. Member for Kirkcudbright said, that this was done in order to enable Ministers to send out a friend of their own in whom they had confidence.

Mr. *C. Fergusson* said, that what he had stated was, that it was necessary some person should be appointed in whom the Government had confidence, in order that he might carry the new system into effect.

Sir *Robert Peel* said, that amounted to just what he was stating. The Government argued thus:—"Our predecessors appointed a person in whom they had confidence, and we will appoint one in whom we have confidence." He had already argued the principle, and, therefore, he would only say, that such a proceeding was a direct supercession of the power reserved to the Court of Directors by the Act of Parliament. In conclusion, he thought the cancelling of the appointment of Lord Heytesbury would tend to diminish the respect in which the Court of Directors had hitherto been held, and to weaken our power in India by introducing party feelings, the absence of which hitherto had been the main cause of our strength. He thought that the right hon. Baronet had failed to make out a valid defence for the exercise of the prerogative of the Crown; and as he had admitted that no public inconvenience would arise from the production of the papers, he would probably not oppose the Motion.

Mr. *Vernon Smith* contended, that there was a very wide distinction between recalling the individual appointed and cancelling his appointment. The former proceedings, certainly, would involve considerable disgrace; but the latter, as he conceived, rested on a very different footing. The right hon. Baronet had referred to the case of Lord William Bentinck; but, to have made the analogy complete, he should have told the House whether that nobleman enjoyed the confidence of the Duke of Wellington. As to Sir Robert Grant, he conceived that the case of Sir Robert Grant at Bombay, was very different from that of the Governor-General of India; and with regard to Mr. Macaulay, he apprehended that no Gentleman would seriously contend that the case of that Gentleman's appointment could be brought to bear upon the present. In spite of the calm and temperate tone in which the subject had been introduced, he could consider it as nothing but a party Motion, brought forward for party purposes. So much had lately been said of attempts to defeat important measures by side winds, that he would not say the present Motion was brought forward with any such object. He must, however, remind the House, that when the hon. Member for Beverley (Mr. Hogg) had appealed to the indulgence of his noble Friend for an early opportunity of bringing forward the present Motion, he had expressly mentioned that he should have to state important reasons why it could be no longer delayed. He had not, however, on the present occasion, put the House in possession of any of the weighty reasons he had so portentously announced. He really could not help thinking, that the present Motion originated in a feeling of anger and disappointment that the present Administration should have displayed so much vigour in one of its first Acts.

Lord *John Russell:* The real question which the hon. Member for Yarmouth wished to propose to the House was, after all, whether the present Government should or should not have the power of refusing to intrust very high political functions, extending over a great portion of the globe, to a person in whom they had not political confidence. That the hon. Gentleman should think Lord Heytesbury worthy of all political functions, was extremely natural on his part—extremely natural on that of the right hon. Baronet; but he thought it would be rather strange and somewhat imprudent if his right hon. Friend, knowing Lord Heytesbury's political opinions, and not having any particular reason to place political confidence in him, were to retain him in the office to which he had been appointed, forward instructions to him as Governor-General of India from time to time, and make himself responsible for his acts. Was it not notorious that, for years past, the Governors-General had always been chosen on account of their political sentiments? Did not Mr. Pitt and Lord Melville take care, in the appointments which they made, that the persons chosen should have the same general political sentiments and views with the Government from which the appointments emanated? They would always have refused the appointment to a friend of Mr. Fox. Why did Mr. Canning appoint Lord William Bentinck, but because his general political views accorded with those of Mr. Canning? It was essentially necessary, at this period, when a new system for the management of East-Indian affairs was commencing, under the sanction of the recent Parliamentary enactment, that the individual sent out as Governor-General should be a person possessing fully the confidence of the Government at home; and who, from being acquainted with their views, would be able, more efficiently, to carry them into effect. He was fully aware of the evils of frequent change, and was satisfied that, if a new appointment took place with every change of Administration, it would be most injurious to India. But the case of Lord Heytesbury, and those of Lords Bentinck and Minto were very different. Lord Bentinck, who had been appointed by Mr. Canning, was continued by Lord Goderich, and when the Duke of Wellington came into power, the whole of Mr. Canning's friends remained in office, Mr. Huskisson, the chief of them, retaining his seat in the Cabinet. Notwithstanding this, however, Lord William Bentinck thought it necessary to tender his resignation. The present case was totally different from that. There had now been a complete and entire change in the Government; Lord Heytesbury was still in England; and the question was, whether he should be prevented from going out? He maintained that the only bold and safe course was, for the Government to say that they would place the important trust in the hands of some person in whom they had confidence, politically speaking; for it would have been the extreme of weakness in them to have sent out a person in whom they had not confidence. He should resist, therefore, the Motion of the hon. Gentleman, especially as it was clear that it was not for the sake of the papers that it was brought forward, but for the sake of raising a discussion.

The House divided on the Motion. Ayes 179; Noes 254—Majority 75.

### *List of the* AYES.

Alford, Lord
Alsager, Captain
Arbuthnot, General
Ashley, Lord
Ashley, Hon. H.
Bagot, Hon. W.
Baillie, Colonel H. D.
Bailey, J.
Balfour, T.
Baring, T.
Baring, H. B.
Bateson, Sir R.
Bell, M.
Bentinck, Lord W. G.
Bethell, R.
Blackburn, J. I.
Blackstone, W. S.
Bolling, W.
Bonham, F. R.
Borthwick, P.
Brownrigg, J. S.
Bramston, T. W.
Bruce, C.
Bruen, F.
Buller, Sir J. Y.
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir H.P.H.
Castlereagh, Lord
Chandos, Marquis
Chaplin, T.
Chapman, A.
Chichester, A.
Chisholm, L.
Clerk, Sir G.
Clive, Hon. R. H.
Codrington, C. W.
Compton, H. C.
Conolly, Col.
Cooper, J. E.
Corbett, T.
Corry, Hon. H. T. L.
Crewe, Sir J.
Dalbiac, Sir C.
Dare, R. W. H.
Darlington, Earl
Dick, Q.
Dottin, A. R.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, Hon. W.
East, J. B.
Eaton, R. J.
Entwistle, J.
Estcourt, T. G. B.
Elley, Sir J.
Elwes, I.
Fancourt, Major
Feilden, W.
Finch, G.
Follett, Sir W.
Forbes, W.
Forester, Hon. G. C.
Forster, C. S.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goodricke, Sir F.L.H.
Gordon, Hon. W.
Goulburn, Rt. Hon. H.
Goulburn, Sergeant
Graham, Sir J. G.
Greene, T. G.
Grimston, Lord
Grimston, Hon. E. H.
Halford, H.
Hamilton, Lord C.
Hanmer, W. H.
Hardinge Sir H.
Hawkes, T.
Hay, Sir J.
Hayes, Sir E.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hill, Lord A.
Hill, Sir R.
Hogg, J. W.
Hope, Hon. J.
Hope, H. T.
Hotham, Lord
Holdsworth, T,
Hoy, J. B.
Hughes, W. H.
Inglis, Sir R.
Irton, S.
Jackson, Sergt. J. D.
Jermyn, Earl
Jones, Captain
Jones, W.
Kearsley, J. H.

Kirke, P.
Knatchbull, Sir E.
Knightley, Sir C.
Lawson. A.
Law, Hon. C.
Lefroy, A.
Lewis, W.
Lincoln, Earl of
Lowther, Lord
Lowther, Hon. H. C
Lygon, Hon. Col.
Mahon, Lord
Mandeville, Viscount
Marsland, T.
Meynell, Captain H.
Miller, W. H.
Norrey, Lord
Palmer,R.
Parker, M.
Patten, J. W.
Peel, Rt. Hn. Sir R.
Peel, W. Y.
Peel, Colonel J.
Peel, E.
Pelham, J. C.
Pemberton, T.
Penruddocke, J. H.
Perceval, Colonel
Pigott, R.
Plunkett, Hon. R.
Pollen, Sir J. W.
Praed, J. B.
Price, R.
Price, S. G.
Pringle, A.
Rae, Sir W.
Reid, Sir J. R.
Richards, J.
Rushbrooke, Colonel
Ryle, J.
Sandon, Lord
Scarlett, Hon. R. C.
Scourfield, W. H.
Sheppard, T.
Sibthorpe, Colonel
Sinclair, G.
Smith, A.
Stanley, E.
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Colonel
Thompson, Ald.
Trench, Sir F.
Trevor, Hon. A.
Trevor, Hon. G. R.
Twiss, H.
Tyrrell, Sir J. T.
Vere, Sir C.B.
Vernor, Colonel
Vesey, Hon. T.
Vivian, J. E.
Wall, C. B.
Walter, J.
Welby, G. E.
Whitmore, T. C.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wynne, Hon. C. W.
Yorke, E. T.
Young, J.
Young, Sir W.

CORPORATION REFORM — COMMITTEE.] The House went into Committee on the Municipal Corporation Reform Bill.

Clause 10th was postponed.

On Clause 11th,

Colonel Sibthorp moved, as an Amendment, that after the words, "that every person in any borough may keep any shop for the sale of all lawful wares, &c., in any borough," be added—"provided he shall be rated to, or be made liable to the payment of, all borough rates, parochial or otherwise, for the period of six months from the period at which any shop shall have been opened by him for the purpose of sale, show, or trade, in the said borough."

Mr. *Trevor* supported the Amendment, which was necessary, he said, to prevent any tag-rag-and-bob-tail establishing in business to the prejudice of the hard-working and honest tradesman.

The Amendment negatived, and the Clause agreed to.

Clause 12th was also agreed to, with Amendments.

On Clause 13th being read,

Sir *James Graham* moved the insertion of words directing the town-clerk to examine the validity of all claims to be inserted on the burgess roll, to make objections where he shall see just cause, and to sustain such objections on the revision of the lists before the mayor; the cost of making and sustaining those objections by the town-clerk to be paid out of the borough funds. He thought it right that that some paid officers should be appointed to perform the various duties specified in his Amendment; because, if the business was left to unpaid overseers, it would be found, as in the case of the registration of voters for Members of Parliament, their carelessness would be productive of very great evil.

Lord *Howick* thought the proposed Amendment was open to considerable objection, because it would give to the ruling party in the town council, whose paid servant the town-clerk would be, the power of opposing the registration of their opponents.

Sir *James Graham* said, that he had not proposed the Amendment inconsiderately, and he thought, that as objections had been taken to the selection of the town-clerk, some other paid officer might be chosen to investigate the claims made for the borough franchise. Unless this were done, he felt confident that the suffrage in boroughs would become unrestricted household suffrage. The Registration Committee, of which he had the honour to be a member, was so impressed with the necessity of appointing a paid officer to make out the lists of voters, that they intended to recommend that in counties the high constable should be associated with the overseers for that purpose.

Mr. *Miles* said, that in boroughs the lists of Parliamentary voters were very accurately made out.

Mr. *Charles Buller* was of opinion that the adoption of the right hon. Baronet's Amendment would induce even interested parties not to attend to the registration, because they would think their presence unnecessary, in consequence of a paid officer being appointed to investigate all claims to be enrolled. The right hon. Baronet had alluded to the Resolution adopted by the Registration Committee, that the high constable in counties should be directed to make out the lists of Parliamentary voters; but the House would see that that business was very different from the duty the right hon. Baronet proposed to impose on the town-clerks of investigating and opposing the claims made for the enjoyment of the municipal franchise.

Amendment withdrawn.

On the Question that Clause 13th stand part of the Bill.

Mr. *Hughes Hughes* said, that before the Clause was passed, he wished to state a difficulty he felt with respect to it and to the succeeding one, in neither of which was to be found any provision for enforcing the production of the Poor-rate books to any person seeking to establish an objection to the right of another to have his name retained on the burgess roll, or having to maintain his own right against an objector. The difficulties in either case were much greater under this than the Reform Act, because residence, rating, and the payment of rates for three years were ingredients in the qualification. Now it appeared that as the Bill was framed the vestry clerk of a parish who alone would have the custody of the rate books for three successive years, was the only person who would be in a condition to substantiate either an objection or a claim to a right, and might produce or refuse to produce the books as he pleases there being no power in the Bill to compel him.

Lord *John Russell* said, that if the hon. Member for Oxford would refer to a subsequent Clause in the Bill, he would find his objection guarded against.

Mr. *Hughes Hughes* said, he was quite aware that Clause 15th gave power to the mayor to require any overseer of any parish wholly or in part within the borough, having the custody of any Poor-rate-book produce the same, and allow it to be inspected at any court to be held for revision of burgess roll, but that, in his opinion, did not obviate the difficulty. It was not only to the court o f revision, ut previously to the holding of such court to parties desirous to raise or to defend an objection, that he wished the right of enforcing the production of the rate books to be extended, and the vestry clerk should be included in both Clauses, inasmuch as an overseer, on the termination of his period of office, usually delivered up his books to that officer.

The Clause, amended, was ordered to stand part of the Bill.

On Clause 14th,

Lord *John Russell* said, it was his intention to propose that two auditors out of the three appointed by the Bill should sit with the mayor, and form the court of revision.

Mr. *Borthwick* said, that the Amendment he had intended to propose would be more likely to obviate the inconvenience likely to arise from the Clause as it stood than that proposed by the noble Lord, and he would leave it to his consideration whether the word "mayor" throughout the whole of the Clause might not be altered for "recorder."

The *Attorney-General* said, that in many boroughs there was no recorder.

Mr. *Borthwick* was afraid that this objection would be fatal to his Amendment; but he still wished that the mayor should not also act as revising barrister, and he should propose that one be appointed.

Mr. *Charles Buller* observed, that the mayor, as well as the auditors, would be elected by the strongest party in each town, and one of the weaker party would have three of his opponents sitting in judgment upon his claims. Those persons were likely to be extremely incompetent, and he should support a proposition for the appointment of a revising barrister, so that the lists might be made out at the same time as the lists for electors for Members of Parliament.

Lord *John Russell* said, that upon the suggestion of the hon. Member for Montgomeryshire, he should have no objection to the postponement of the further consideration of this Clause.

The House resumed, the Committee to sit again.

Roman Catholic Marriages' (Ireland) Bill.] Upon the Order of the Day being moved that the Debate should be resumed on the Question that the Roman Catholic Marriages' (Ireland) Bill do pass,

Mr. *Finch* said, he felt it incumbent on him to give the measure his opposition.

Lord *Morpeth* said, he was desirous of seeing the restrictions at present existing on clergymen in Ireland in respect to marriages removed, therefore he hoped the Bill would be passed.

Colonel *Perceval* said, that he should

most strenuously oppose the passing of the Bill. He lamented that a measure of this *ex parte* nature had been brought forward. He was quite aware that a general Marriage Regulation Bill would be of infinite use in Ireland, as well for the Protestants as the Catholics, but this was not that Bill. If the House was only aware of facts that were in his possession, of marriages having been celebrated when the parties were in a state of the greatest drunkenness, and other abuses such as that, he was sure it would pause before it assented to such a Bill as this. He knew an instance in which a man was so drunk when married that he was not aware he had been married till he was told of it on the following day. In the case of another person, a tenant of his own, he thought he was being married to a damsel whom he loved, but his friends, just as the ceremony was about to take place, introduced another female, and he being so intoxicated as not to be able to distinguish the one from the other, was married, and was not aware of the trick till the next day.

Mr. *Sheil* said, that by a recent regulation in the Catholic Church, no person could be married except by bans, and that in places of public worship.

Bill passed.

## HOUSE OF LORDS,

### *Tuesday, June* 30, 1835.

MINUTES.] Bills. Read a second time:—Sugar Duties'; Corn Trade (Isle of Man); Western Australia Settlement. Petitions presented. By Lord KENYON, from the Chapelry of Rampside, and from the Clergy of the Deanery of Furness, for displacing the Reverend John Stainton Minister of the said Chapelry.—By the Earl of ABOYNE, from Coull, in favour of—and by the Earl of ROSEBERY, from a Congregation in Edinburgh, against any Grant to the Church of Scotland.

EDUCATION.] Lord Brougham moved that the Order of the Day for the adjourned debate on his Resolutions relating to Education should be read.—It was read accordingly.

Viscount *Melbourne* said, that it had been stated by his noble and learned Friend, that some of their Lordships had observations to offer on this subject, and he should have wished to hear those observations from their Lordships, before he had uttered any of his own. He had listened with the greatest satisfaction to the speech of his noble and learned Friend on the former occasion; and he believed that he concurred in most of the arguments then employed. He had since then had an opportunity of reading the speech of his noble and learned Friend in the more authentic shape in which it had been given to the public, and the result had been, if possible, a still more high opinion of the principles it contained, and the manner in which they had been developed. He agreed with most of the arguments stated in that speech, and with the principles laid down in it; and he felt full confidence and reliance that they would produce the consequences anticipated, so far at least as it was possible to feel such a reliance in speculations and arguments which could not be brought to the test of experience. When his noble and learned Friend ascribed the increase of crime to the want of Education, he seemed to forget that there were other circumstances than Education which influenced the results, and which thwarted and deranged the deduction of the best-grounded speculative reasoning. As far, however, as it was possible to rely on speculations, arguments, and deductions, he did feel confidence in those adduced by his noble and learned Friend. He agreed in the practicability and advantage of early education; and if such education were well managed, if it did not lead to too close confinement, destructive of the animal frame and of the mind of a child of tender years, if the child was not overlaboured with what his strength was not able to bear, and if his instruction was not allowed to interfere with that natural education which a child obtained from his own experience, he believed that early education was most advantageous in every point of view. He thought, too, that it was feasible, practicable, and useful, and he entirely agreed with all those reasons which his noble and learned Friend had urged as deserving of the attention and encouragement of Parliament. He agreed, also, in the other arguments urged on the benefits which might probably be derived to the moral state of the country, from a more general system of education than now existed, and on the better application of the funds which were now devoted to that purpose, but which from their present mode of application were either useless from the progress of time, or were actually productive of mischievous effects. He agreed, in short, in all the general principles upon which his noble and learned Friend had founded his Resolutions. He now came to take a short view of the Resolutions themselves. Agreeing in all their principles, he should yet wish to suggest, whether the mode of proceeding, by way of Resolution, was the most prudent, the most wise, or the most expedient and advantageous manner of carrying his principles into effect, and of furthering and advancing the object which he wished to see accomplished. In the speech in which his noble and learned Friend had proposed these Resolutions, he did justice to himself, and to the Government, and to their Lordships, and to the other House of Parliament; but he did not do the same justice to them in the Resolutions; for, if they read those Resolutions, it would appear that nothing had been done before; that the whole matter was *res integra et intacta*. Their Lordships, however, knew that in the years 1833 and 1834, under the auspices, and at the suggestion of his noble and learned Friend himself, a sum of 20,000*l.* had been voted in each year for the general purpose of promoting education in the country; and when the present Government came into office, there were found among the estimates of the present year, papers which showed that it was the intention of the late Government to propose a sum of 20,000*l.* to be voted for this year for a similar purpose, an intention which the present Government should certainly follow up. Not only had these sums been granted, but the disposal of them had been regulated on the principles which his noble and learned Friend had laid down. The Treasury minute, in declaring how these sums should be disposed of, had ordered that they should, in the first place, be given in aid only of the fund for building schools, a principle which his noble and learned Friend had himself inculcated. The next direction was, that one-half, at least, should be raised by private contributions. That, also, was a principle on which his noble and learned Friend had rested, thinking that private benevolence should first be stimulated, and not crushed by public aid, a principle which he had advocated with all his usual strength of argument and felicity of illustration. Then, again, it was directed that all applications to the fund should be made through the National School Society, or through the British and Foreign School Society. That was a mode of proceeding which had been found in the highest degree advantageous, satisfactory at once to those who were connected with the Established Church, and to the great body of the Dissenters, who were thus enabled to become sharers in the benefits of the grant. He called their attention to this mode of proceeding, as by it they would avoid those questions which were unhappily connected with the religious differences in the country, a subject painful to become the matter of public discussion, and he was sure that they would think it a point gained if they could avoid such a discussion, and grant the public aid with satisfaction to all parties. It was an object, too, to see how far the demand for education could be supplied from charitable funds. Under all these circumstances, he asked his noble and learned Friend whether it was not unnecessary to press these Resolutions further at present. He assured his noble and learned friend, on the part of himself and the rest of the Government, that it was their wish to promote the system of education by all the means in their power, and upon the principles which he thought most prudent and safe, so that the question was upon the whole, whether it was expedient to press for the entry of these Resolutions upon their Lordships' Journals. He did not question the truth of the principles stated in the Resolutions, though he thought that some of them were too generally expressed. In his opinion the third and fifth Resolutions pressed too much on the influence of the infant schools. He admitted the propriety, the utility, and the wisdom of such institutions, but they were already provided for, as the grant made under the authority of the Treasury directed that some of the money should be applied to the establishment of infant schools; and considering the anxiety in the country on the subject, and the manner in which they had been supported, he doubted whether it would be wise and prudent distinctly and by name to point the attention of the public to the means of supporting them by funds voted out of the public money. He knew a little of these infant schools. There was one in his part of the country, and the contributions for it not being found sufficient, application was made to him, and he told the contributors that he should be willing to make up the difference. He did not know that he should have done this quite so readily if these Resolutions had before been passed, so distinctly pointing out the public fund as the one out of which the deficiency might be supplied. Such a Resolution would go far to chill the benevolence of men who before they resorted to their own funds would be very apt to see whether there were not others which might be made applicable. Perhaps he himself might have said "Try the Government first;" and as he thought that he did not differ much from other men in this respect, he thought it possible that other people might have a little of the same feeling. With respect to the model schools proposed by his noble and learned Friend, he wished to say that that subject was under the consideration of the Treasury, and that a model school would be established as speedily as possible, but that though money had been voted for this purpose, he trusted that expectations would not be excited which it might be difficult to fulfil. With respect to the last Resolution, which went to establish a Board of Commissioners who should have the control of all the charity funds of the kingdom, and a general management of the funds bequeathed for the purposes of education, and power to apply them according to the circumstances of the time, and in such a way as to render them more useful than at present, he wished to observe that the proposition was not entirely new, but that the principle had already been adopted in Ireland, where a Board of Commissioners had been established by Act of Parliament possessing a superintending power over the disposal of charitable funds, and he believed that the result was very beneficial. But considering the great extent of power to be intrusted to such a Board, and the delicacy of the matter—considering, too, how much the propriety of the Resolutions must depend on matter of detail, and on the manner of carrying them into effect, he put it to his noble and learned Friend, whether he ought to call on that House to establish, by a single Resolution, a principle of such extent, magnitude, and importance. On this single ground he recommended his noble and learned Friend not to press these Resolutions on the House, but to bring in a substantive measure, and to give their Lordships the full opportunity of considering it. He repeated, that he and the rest of the Government had the subject as much at heart as his noble and learned Friend,—more it was impossible to have it; and he once more put it to his noble and learned Friend, whether it would not be much better, under the circumstances, and in accordance with the general feeling which prevailed, to withdraw the Resolutions.

Lord *Brougham* said, that after the address of his noble Friend, who had concluded with so strong a recommendation, he might fairly take it for granted that none of their Lordships wished further to enter into the discussion, and he might, therefore, proceed to state what occurred to him on the subject. Their disinclination to enter on the discussion proceeded, he was convinced, from no reluctance to give their best consideration to the subject itself; but he ascribed it wholly to the view now taken by his noble Friend of the question, on the ground that the mode of proceeding by these Resolutions was not the best that could be devised. That being the case, he should not detain them with many observations in reply; but it would be unfair on his part, and it would be an ill return for the candour and courtesy of his noble Friend, if he were not to make some remarks on the matter. He must say, then, that he was subdued, but not convinced; wherever personal or official influence had any weight, he was quite unable to meet his noble Friend in that House; but still he was not convinced that the course he was pursuing was not the right one. As to the inexpediency of introducing Resolutions on such a subject, he should only say that he had good precedents for it. On the 24th June, 1806, their Lordships dealt with the Question of the Slave Trade in the mode of a Resolution, which declared "That this House conceived the Slave Trade to be contrary to justice, humanity, and sound policy, and will, with all practical speed, proceed to take effectual measures for the abolition of the Slave Trade, in such a manner and by such means as may be deemed most advisable." That Resolution was certainly indefinite enough; yet it was adopted by both Houses of Parliament. His plan was not so indefinite. He wished to pledge the House, but to pledge it to what was before its eyes. Then, again, his noble Friend and he had been parties to a certain Resolution passed on the 5th of July, 1833, to this effect, "That it is expedient that all his Majesty's subjects should have liberty to repair to the ports of the Empire of China, and to trade there in tea, subject to such regulations as Parliament shall hereafter enact." That was the course upon the great question of the China Trade, and in a few days, before or after, there were Resolutions passed on the subject of Colonial slavery. These were the precedents on which he felt that he was justified in his present mode of proceeding. But even without precedents there were circumstances which of themselves would justify new modes of proceeding, and would form precedents of themselves. He thought that this was one of them. Then, said his noble Friend, these Resolutions do not give the Government or the Parliament credit for what has been already done. He was one of those who thought that so little had been done that he had not stepped out of his way to compliment the Government of which he had formed a part (that would hardly be decorous), or to compliment the present Government, which his noble Friend said was favourable to his view of the subject. As to the Treasury minute he had not before heard of it, unless it was the minute of 1833. [Viscount *Melbourne:* It was so.] He was one of those who prepared that minute. He approved of it highly. It was founded on the recommendation of the Committee of 1817, upon which, also the grant of the 20,000*l.* had been made. He was not aware before that a grant of 10,000*l.* had been made for the establishment of normal or model schools. He had recommended such a grant to his noble Friend, then Chancellor of the Exchequer, but he was not aware that such a vote had been passed. Nothing, certainly, could be more proper than such a vote, and all he objected to was the smallness of the sum. He hoped that the next vote would be for a larger sum, for those schools were calculated to do infinite service. He must say, that he thought his noble Friend's argument as to the stopping of private benevolence was a bad argument, for it stood thus—if he who was a liberal man (his noble Friend had not said this, but those who knew him would think that he ought to have said it)—if he who was a liberal man was likely to be influenced by the knowledge that public money was voted, and so to be kept from giving his own, how much more would other men be influenced by the same consideration. He did not deny the possible influence of such a circumstance, but this case did not come within the principle, for here the difficulty was to get a beginning since if men thought a subscription was not likely in the end to succeed, they would be slow in beginning it. The assurance that, if they did all in their power, the Government would afterwards aid them, would stimulate, not deaden their exertions. As to infant schools generally, he begged to observe, that the two societies through whose recommendation the money was to be distributed, did not direct their particular attention to infant schools, but rather to adult schools. There was a great deficiency of infant schools in the country; out of the whole population of 14,000,000, there were only about 50,000 or 60,000 in infant schools. The deficiency in adult schools was only one-fifth of the deficiency in the infant schools, and of these latter there ought to be five or six times more than there were now. He should be sorry if great exertions were not made for this purpose. There was no mode of criminal legislation, there was no kind of penal law, there was no description of punishment which the civil magistrate could use towards the people committed to his care, which had the one-hundredth, nay, the one-thousandth part of the power of eradicating crimes from society which the universal establishment of infant schools would effect. For that purpose, as he had often told them, they must look to prevention rather than to punishment. Punishment lingered behind —it moved with a slow and uncertain step —it advanced, but at a halting pace, in its pursuit after the criminal, while all the advantages which it promised, without being able to be realized, might be secured by prevention, by preventing the access of the evil principle into minds as yet untainted with its baleful influence. By the infusion of good principles, and by that alone, could they hope to eradicate those crimes with which society was at present harassed. He should feel that every day was lost not devoted to the purpose by the lawgiver and the Government of this close-peopled, wealthy, and manufacturing country, in which the variety—he had almost said the variegation—of the moral aspect of the people was so great, arising from the variety of their habits, and from the circumstances incidental to an unequal distribution of wealth, by which the greatest riches and the most squalid poverty were often found almost side by side. It was necessary that the Government of such a country should lose not one hour in taking the preventive means which alone could be efficaciously employed in the repression of crime, and that the great towns of London, Manchester, Leeds, Sheffield, Liverpool, and others, should be as speedily as possible amply supplied with these means. Every day not employed by the ruler and the Government in such a pursuit might be deemed thrown away and wasted. There ought to be no difficulties in the distribution. He agreed that religious education should form a part of general education, and he hoped that means would be adopted to render it possible to attain that end without incurring the danger of exciting religious disputes. This brought him to the subject of the 6th Resolution. That related to the Administration, by a board of Commissioners, of charitable funds already existing. He did not propose to take the management of the funds out of the hands of the present trustees. He proposed to go hand in hand with them, taking care only that the funds they possessed should be properly managed. By the proposed measure of Municipal Reform they were going to establish a new body of constituents, who were more likely to interfere actively in the management of Corporations than the old. They were about to take the management of charitable funds from the old corrupt Corporations and give it to the new bodies. It might be said " You are never going to take the trust from those to whom it was given by the donor and to transfer it to other parties." He was far from saying that they ought not to do so; in his opinion they ought. The cheers of the noble Earl (the Earl of Falmouth), so seldom met his ears that he might be supposed to feel a solace from them; he must not purchase it, however, by false pretences—therefore, he begged to say, that if the noble Earl supposed he agreed with him in deprecating that change he was mistaken; he was merely stating the fact that the Bill would have that effect. He did not complain of it; on the contrary he thought it a useful reform, provided it was accomplished with proper checks. He would say, then, that because they were now going to pass this strong Act, and he would add this necessary and salutary Act, making that transfer from the old to the new body, and perhaps to a body to whom the donor never would have given the trust, if at the time when he made the bequest it had been in existence, and he had been acquainted with its nature, he was giving the noble Earl the full benefit of the argument — he was fairly and candidly stating the case, and let the noble Earl make the worst and the most of it, because they were going to transfer from those Corporations which were now the sinks of corruption to a new and a better governing body. The noble Earl intimated dissent; he knew there were many that were pure; some were exceedingly pure; he knew one that was perfectly pure, and so did the noble Earl. He was about to say because they were going to pass the Corporation measure, now was the time, when they were turning over a new leaf, when they were making a new distribution of trust power, when they were taking the management of property out of the hands of one body and giving it to another—now was the time for them to see whether they could not establish an effectual control against the abuse of trusts. Under the old system such an alteration was not called for in individual cases, because the system had endured for two or three hundred years; but when they were about to form a different constitution and a new body, he felt it to be their imperative duty to see that the strongest precaution was taken to prevent the possibility of this new arrangement leaving the funds, as before, subject to be mismanaged. The plan he had to recommend would, he thought, be the most convenient and fit mode of giving that security. There would exist a body of respectable persons, consisting of Ministers of State and working men, who would exercise a constant supervision and control, instead of leaving that duty to the most inefficient, or to the, in every respect, inconvenient operation of filing an information. The course open at present was for some individual to become a relator, at whose instance an attorney filed an information, for the costs of which the relator was liable. It was true any one might become a relator who chose, but very few liked to involve themselves in all the perils of a Chancery suit. The mode of proceeding by petition was in some respects better, but that was attended with considerable expense. He apprehended that the appointment of a Board would be the best course. They would exercise a control which would be the more likely to be exercised with impartiality and strict propriety, as they would be wholly independent of the Corporation. With respect to this question they were now in a situation in which they had not stood for the last twenty years. The control of the Commissioners of Charities had ceased. The Commission expired last July—and indeed for the last eight or nine months they had not sat for any effectual purposes. The consequence was, that the whole of the trusts all over the country, thinking the Commission was at end, and having little reason to fear that they would be called to account by any one adopting proceedings against them in the Court of Chancery, felt themselves quite secure. In order that their Lordships might see what would be the usefulness of a Board he would refer to one case in which the Commissioners called the trustees before them. They discovered that forty or fifty children were benefitted by the trust, but that the funds were sufficient for the children of half a dozen parishes, containing a population of 5,000 or 6,000 people. In another case the trustees consisted of a committee, and it having been decided that it was illegal that the committee should employ any of its own members, so determined were they to evade the decision, that under an arrangement by which the committee was changed every year, they employed their predecessors, the effect being that their profits were reduced one half, for in the succeeding year it became the turn of those who had given employment to receive it. Where there were two sets of butchers, bakers, and other tradesmen, their profits were not diminished at all, the only change made being, that instead of the two tradesmen affording the supply for the half year each, they were alternately employed for the whole year. With respect to his Resolutions, his noble Friend having expressed an opinion, he would not stand out against his better judgment. He had no hesitation in stating, that having laid these Resolutions before their Lordships, having had them printed, and their having undergone, both on the last and on this occasion some discussion, substantially the end he had in view had been gained, for the subject was now no longer new to any one. He should under these circumstances, be enabled with the less trouble to give them a measure founded on these Resolutions. What he proposed, then, was, to withdraw them, and substitute for them a Bill, which in a few days he should have the honour of presenting to their Lordships. In conclusion he thanked them for the attention with which they had heard his explanation; he thought it would not have been fair either to the Resolutions or himself, if he had withdrawn them without making a few observations on the subject.

The Resolutions withdrawn.

EXPLANATION. — EDUCATION IN FRANCE.] Lord *Brougham* hoped their Lordships would allow him to refer to a very great misrepresentation that had been made of what he uttered on a former occasion. He was most unwilling to give the French Government any cause of complaint. He had been accused in the French newspapers of having stated that the French Government precluded the study of history. Now this was not only not true, but he had expressly stated that in the observations he made he did not mean to allude to France. He did not name the Government to which he referred, because it was not a pleasant thing to do that which might be considered invidious. Yet in the French newspapers he had been replied to at great length, and numerous instances were very unnecessarily given, to show that the charge he was supposed to have made was unfounded. Their Lordships would bear him witness, that, as he had before stated, he expressly said he did not refer to the French Government. Such a misrepresentation as this showed that there was no safety in making any statement.

## HOUSE OF COMMONS,

### *Tuesday, June* 30, 1835.

MINUTES.] Petitions presented. By Sir SAMUEL WHALLEY, from Marylebone Parish, against the Public Carriages' (Metropolis) Bill.—By Mr. GROVE PRICE, from Sandwich, against Parts of the Municipal Corporations' Bill.—By Mr. W. MILES, and Mr. W. PRAED, from several Places,—to the same effect.—By Colonel GORE LANGTON, and an HON. MEMBER,—in favour of the said Bill.—By Mr. GROVE PRICE, from Sandwich, against the Imprisonment for Debt Bill; from several Parishes in Kent, against the Poor-Law Amendment Act.—By Sir G. CLERK, from a Congregation (Edinburgh) for Protection to the Church of Scotland.—By Sir G. CREWE, from Derby and Scarsdale, for Protection to the Irish Protestant Church Establishment.—By Mr. PEASE, from Bamborough (Northumberland) for Relief to the Agricultural Interest.—By Sir M. W. RIDLEY, from Newcastle-upon Tyne, in favour of the Municipal Corporations' Bill.

IPSWICH ELECTION—MR. O'MALLEY.]

On the Motion of Mr. Sergeant *Jackson*, Mr. Bransby Cooper was called to the Bar and examined. He deposed that though he had known Mr. O'Malley for some time, from having lived next door to Mr. Kelly for about a year, yet he had never attended him professionally till yesterday, when Mr. Kelly took him to Newgate for the purpose. Mr. O'Malley had usually been attended by Sir A. Cooper and Dr. Farr; he found him in a very delicate state of health, as indeed he had long known him to be, but the witness did not prescribe for him nor feel his pulse, as he well knew from general observation that Mr. O'Malley suffered under general debility, to which medicine could do no good. Sometimes he was better than at other times; his complaint was a general debility, and liberty and good air were necessary; without these he considered that his health might be permanently injured. He had been told that Mr. O'Malley had been able to attend professionally for six or seven weeks in a crowded committee-room.

In a reply to a question from Mr. Wakley,

Mr. Cooper stated that Mr. O'Malley's disease was that of tetexia. He had prescribed for him "liberty," and his prescription was addressed to the House and not to a chemist—witness withdrew.

Mr. Sergeant Jackson moved that Mr. O'Malley be brought to the Bar tomorrow.

Mr. *Hume* submitted (after the witness had withdrawn) that this evidence was not sufficient, and that the House ought to have before it Mr. O'Malley's usual medical attendant.

Mr. *Lechmere Charlton* remarked that Mr. B. Cooper had been in the habit of seeing Mr. O'Malley, though not professionally until yesterday.

Mr. *O'Connell*, though unwilling to take part in such a discussion, or to bear hard upon individuals, must say that if all this were not mockery, it had very much the appearance of it. The witness had never attended Mr. O'Malley professionally but in this instance, when he was carried to Newgate by Mr. Kelly for the purpose, as might by some be suspected, of obtaining from him a comprehensive certificate. Though Mr. O'Malley was so weak and debilitated, he had been able to be present every day before the Committee for seven weeks. He thought that Sir Astley Cooper should be required to attend at the Bar.

Mr. *A. Chapman* said, there could be no doubt of the eminent qualifications of Mr. Bransby Cooper, who was as well able to give the House information as Sir Astley Cooper.

Mr. *Shaw* argued that this was not a case where it was necessary to have the evidence of a constant medical attendant. Mr. B. Cooper had known Mr. O'Malley for many months, and could speak accurately and positively to the general debility of his constitution.

The *Chancellor of the Exchequer* said, that the House should never carry its power one inch beyond the proper line, but in proportion as they were strict in protecting their privileges, in that proportion also should they be strict in the evidence of illness, or in every case that might occur hereafter, the House would come prepared rather to commiserate the health of the party than to punish the crime. The evidence was of the slightest kind. Comparing the evidence of Mr. Cooper with the certificate he had given, he thought there was a great discrepancy. The question was not whether they should continue the imprisonment of Mr. O'Malley, but whether they should call for more satisfactory evidence as to his late state of health. The certificate was by no means satisfactory. It had been given by a gentleman who had seen Mr. O'Malley only once, while those who had long attended him might have been called, but were not. Could this be considered the best evidence? If they received it in this case, they would be bound to receive such evidence in all future instances, and then the power of taking into custody would become a mere farce.

Motion withdrawn.

Messrs. Bond, Clamp, and Cooke were brought to the Bar pursuant to order.

The *Speaker* addressed them as follows: "John Bond, Robert Burcham Clamp, and Arthur Bott Cooke, this House has resolved that you have been guilty of a breach of its privileges, by absconding to avoid the service of warrants requiring you to give testimony before the Committee to whom the petition complaining of an undue return for the Borough of Ipswich was referred. This is a very grave offence. There is no duty which is more incumbent upon all persons, in all ranks and conditions of life, than that of giving testimony, when their testimony can either tend to the punishment of the guilty or the exculpation of the innocent, or lead to an accurate and just decision of the contested rights of their fellow subjects. In this instance, your offence is aggravated by the circumstances under which you have committed it. You anticipated that an inquiry was likely to be instituted by this House, acting for and on behalf of the people, with a view to maintain the independence and purity of election; to the end that those to whom the protection of the interests and rights and liberties of our fellow subjects are confided, should be freely, independently, and honestly chosen. With that expectation, and with the full knowledge that you were all and each of you in the possession of facts which, if disclosed, might have tended to the elucidation of the truth, you absconded to avoid the service of the Speaker's warrant. This you must feel to have been a great offence. The circumstances under which it was committed are such as to have rendered you liable to receive a far more severe punishment than that which this House in its lenity and mercy has inflicted upon you. The House has taken your petitions into its consideration; it finds that you have expressed your sorrow and your contrition for the offence of which you have been guilty. It is disposed to administer justice with leniency, in the hope that what you have now suffered may operate as a warning to others, and that it may produce a salutary and permanent influence upon your future conduct, and that you will always bear in mind that the best atonement which you can make for the offence of which you have been guilty, and for which you have now suffered, is by being ready at all times to attend upon whatever occasion and in whatever place you may be required to give evidence of facts which are within your own knowledge. Trusting that the punishment which you have suffered will have this effect, I have now to acquaint you that you are discharged upon the payment of your fees."

On the Motion of Lord John Russell, it was ordered that the Address of the Speaker be entered in the Journals.

Mr. *Gisborne* then rose to make the Motion of which he had given notice on the previous night, and said that as he apprehended no objection to it, he should not say a single word upon the subject, but content himself with moving "that the Attorney-General be instructed to prosecute all parties who appear, from the evidence taken before the Ipswich Election Committee, to have been guilty of bribery."

Motion agreed to without objection.

Corporation Reform Committee.] Lord John Russell then moved the Order of the Day for the Committee on this Bill.

Several Motions were postponed to allow it to proceed.

Sir *Robert Peel* said, that there was an impression entertained, either real or feigned — not so much, he believed, in that House as out of it, that there existed on the part of himself, and those with whom he acted, a desire to throw some obstruction in the way of the noble Lord's proceedings with reference to the Bill which the House was now about to consider. He begged to say, for himself, that he did not entertain any such feeling; that, on the contrary, he was most anxious to give every aid in his power to the noble Lord, on every occasion. He wished, indeed, that some arrangement could be adopted, by which a steady perseverance with the Bill might be insured. The plan of devoting an hour and a half one night, and two hours another night, was not one which admitted of their paying proper attention to the measure, and it insured the certain result of a succession of amendments being brought forward on the Report, which ought to have been made in the Committee. He knew well the inconvenience attending upon morning sittings, on account of the numerous Committees which were then engaged, and he did not, therefore, propose them; but if any arrangement could be made for going into Committee on this Bill regularly, on certain days, and at certain hours, so far from having any objection to it, he should be happy to see it adopted, and he was sure it would be most acceptable to all with whom he acted.

Lord *John Russell* had certainly never imputed to the right hon. Baronet a desire to obstruct the progress of the Bill; on the contrary, he felt sure that the right hon. Baronet was desirous of fairly discussing its principles; and like every other Gentleman could not wish to delay its progress, because he could not wish that the Session should be unusually protracted. With respect to the progress hitherto made, he thought that the Motions by which it had been delayed were not such as could have been rightly postponed for an indefinite period; but if the future progress of the measure during the present week should not be sufficiently rapid, it might then be desirable to consider of some arrangement such as the right hon. Gentleman suggested.

The House went into Committee.

Lord *John Russell* observed, that the labours of the Committee last night had terminated in the 14th Clause. In reference to some suggestions which had been made then, he said, that he was of opinion that two assessors should be chosen by the town council for the purpose of revision, and he should accordingly move an Amendment to that effect. For the first year it would be desirable that the Revising Barristers should be employed for the purpose of revising the lists; but, beyond that period, he did not think that it would be necessary.

Mr. *Williams Wynn* said, that it would be much better to have the duties of revision performed by persons not at all connected with any local parties in the borough, such as the assessors would be when appointed by the majority of the counsel. It was extremely important that, in the performance of their duties, every appearance of partiality should be removed, and no ground left for a suspicion of it. He should propose an Amendment, therefore, to the effect, that in all the boroughs to which have been appointed Revising Barristers under the Reform Act, these duties of revision should be performed by them.

The *Attorney-General* thought, that it would be possible to select two intelligent, independent men, from the borough, to perform the duties with impartiality. The questions on which they would have to decide, would involve chiefly matters of fact, and not any very abstruse points of law. Moreover, no pecuniary charge would be caused by their performance of the task; the local distinction which it would confer on them was a sufficient reward.

Sir *James Graham* said, that as the Bill provided a paid legal officer to perform all judicial functions for all large boroughs, he did not see why, in them, that functionary should not be required to perform the duties of revision. With reference to the smaller boroughs, the system of Revising Barristers could be tried for one year, and it might then be seen how it worked.

Mr. *Williams Wynn* observed, that it would be desirable to have a Board of three or five persons constituted, to decide in the last resort upon all disputed points, so as to insure an uniformity of decision.

Lord *John Russell* still retained his original opinion. Though he admitted that it would be desirable to employ the Revising Barristers for the present year, he thought it desirable that the boroughs, generally, should be allowed to govern themselves in respect to the matter in question. The points which they would have to decide, were points which could be equally well settled by persons of sound common sense, as by legal functionaries. Of course, if it were found that they were unable to govern themselves, it might then be advisable to take some further steps. As to the suggestion of his right hon. Friend, that the recorder should execute the duties of revision, he objected decidedly to the employment of a judge—of a person who ought to appear only in his judicial capacity in the borough, in matters of mere civic regulation. With respect to the suggestion for appointing a tribunal of three or five persons to insure uniformity of decision, that question had been discussed before the Registration Committee; but it was one on which he had not yet made up his mind.

Sir *Robert Peel*, considering that the performance of the duties which devolved upon the Revising Barristers at present, would be almost simultaneous with those which they would have to execute according to the Amendment of his hon. Friend, he thought that the best course would be, to appoint Revising Barristers to revise also the lists of the burgesses. The expense, compared with the importance of the object accomplished by the regulation, would not be heavy. The noble Lord (Lord John Russell) had himself consented that the Revising Barristers should perform this duty for the present year. Why not at once give such a regulation the face of a permanent enactment, reserving to themselves the right of making such alterations as might be found necessary at any future time? The noble Lord would be afforded an opportunity, if he should think proper, of proposing a change in the next

Session with respect to the persons who should be appointed revisers of the lists.

Mr. *Pease* thought it was of the greatest importance that it should be decided, whether or not the Revising Barristers should be appointed under this Bill. They ought to save expense as much as possible; and appointing barristers under the Bill would, he believed, have that effect.

Sir *Robert Peel:* The proposed system of Revising Barristers would be the best possible protection against unnecessary expense, for the parties who objected would be liable in part to the expense of the proceedings, which would be defrayed out of the Borough-rate.

The *Attorney-General* said, that the great object which they ought all to have in view was to keep down expense as far as possible. The effect which public opinion would have on the mode of conducting the revision of the lists by the Mayor and auditors, would be the best security against any unfair or partial conduct. The expense caused by the appointment of Revising Barristers would, he felt convinced, be much greater than those who supported the Amendment of the hon. Member for Montgomeryshire supposed; for every disputed vote would, in itself, be a case which would, in all probability, occupy the attention of the Court for a long time, by which the duration of its sitting would be prolonged, and the expense inevitably increased.

Mr. *Poulett Thomson* thought, that if practical men were appointed to adjudicate on disputed votes, they would give much more satisfaction than Revising Barristers. Considering the class, also, from whom they would be selected, they would, in his opinion, form a more competent tribunal than that which would be established if the proposed Amendments were agreed to.

Sir *Robert Peel* would accede to any arrangement by which the minority of the inhabitants in the towns and boroughs would be saved from the effects of that partiality which must almost necessarily attach to persons appointed by the dominant party.

Mr. *Aglionby* thought he had heard something slip from the noble Lord (Lord John Russell)—viz., that after having the other officers, if they did not give satisfaction, he would then erect the Revising Barristers into a permanent Court. It was, as it appeared to him, entirely a question of expense; and if there were any adequate advantage, he would vote the sum proposed, or ten times as much, if necessary, to repay the Revising Barristers. But when they had been employed in acquiring information upon any subject, which was not included in the ordinary routine of their professional business, they ought to be paid for so doing. He could not think the expense would be much. In the Parliamentary boroughs, to which they must assign new limits, he thought the Committee would allow not less than five guineas *per diem* to the Revising Barrister, and he thought less could not be allowed under this Act. To the fifty-six boroughs with Parliamentary limits, they must send down Barristers special, who, of course, must be allowed their travelling expenses, &c., for the number of days they were out. Thus much for the expense. Now, would any advantage be gained tantamount to the expenditure? if so, he would say, expense was of little moment. What would they gain? The advantage of a tribunal in which questions of law might be decided. But there were, in this case, no "matters of law;" it was a mere question of fact, which any practical Gentleman would have as much power of deciding as any Barrister in the Court of King's Bench? Now, it struck him that that advantage was one which could scarcely be considered of consequence, even by the hon. Member for Liskeard. If it were a question of law, they might then the more easily come to their conclusion. But the question was one which any Gentleman could decide; it was the question of three years continuous residence; that was a question of fact, and was the mere fact of continuous residence for three years one on which Barristers would gain any more information, or exercise a sounder judgment than any other gentleman? He felt confident there was nothing in the constitution of the minds of legal gentlemen which would make them peculiarly fit to decide questions of that kind. But there was another point. It was said that the Mayor, or any other officer of the town would be more liable to suspicion of partiality than the tribunal of Revising Barristers. If so, he agreed with the right hon. Gentleman below him, that it ought, as was proposed, to be tried only for one year. He should like to see it tried; and if it gave general dissatisfaction it could be discontinued.

Dr. *Bowring* consented that the Barristers should be employed on the first occasion, on condition that the boroughs should ultimately be provided with the power of conducting their own affairs. The merits of the Bill were its simplicity and adaptation to the new constituency, which he hoped would be preserved.

Sir *Samuel Whalley* said, it was very important they should have a tribunal of revision, without any party violence; and it seemed to him, that the giving to the predominant party in the borough the right of revising the votes, would be very much like giving to the majority in that House, the decision of contested elections. The tribunal should, as the right hon. Baronet had said, be final; and, therefore, it should be one in which all parties would place confidence, and composed of men well versed in the proceedings taken under the Reform Act. He knew no persons so well qualified for that task as the Revising Barristers; for there were many Clauses in the Act which would require men "learned in the law," as well as possessed of common sense, to give judgment upon.

Mr. *Finch* thought the analogy did not hold good between the Reform Act and the present, for it was much more difficult to decide upon a three years' continuous residence, and rating, than the one year's residence, and rating. He also thought the time allowed for the investigation—viz. one fortnight was too short a period, for twenty persons of one party might, out of spite, object to 1,000 voters on the other, and the investigation closing at the expiration of a fortnight, there might be 500 cases undecided; yet the Mayor would have no power to prolong the inquiry. Some longer period, say five weeks, might be allowed.

Mr. *Jervis* protested against the boroughs being charged with that expense. He saw no objection to the absence of all that enormous expenditure, which he considered was wholly unnecessary. In the Reform Act there were some cases of a complicated nature which might require the decision of a Barrister. But here, there was nothing but matter of fact—the occupation for three years, and the three years' rating; and he really saw no great difficulty in those matters. With great deference to the opinion of other hon. Members, he was bound to say, the men of the world—men of practical acquaintance and experience in the business of the world, were much more fitted for the task of revising the lists than any Gentlemen "learned in the law," however "learned" they might be.

Mr. *Estcourt* said, that the great difficulty in the appointment of such a tribunal as that proposed was, to find persons to compose it who should be competent, and at the same time impartial. So far as he had an opportunity of forming a judgment on the question, he was ready to accept of any tribunal which would ensure an impartial hearing and decision of the cases brought under its consideration; but the last question which should, in his opinion, be submitted, was that of disputed corporate votes. The expense, too, would be infinitely less if men of respectability and character as lawyers were to give decisions which would not be open to any charge of dishonesty, than if a partial tribunal were appointed, to whose judgments almost endless objections would be taken. His experience led him to believe that the trust reposed in the local authorities by this Clause would be exercised with partiality. He was therefore inclined to think that the adoption of the Amendment which had been proposed would ensure better decisions and at a less expense than the Clause as it originally stood. The noble Lord had consented to make an experiment with respect to revising Barristers for the present year. Why not, if that experiment proved successful, continue their jurisdiction?

Lord *John Russell* did not intend the appointment of Revising Barristers for the present year as an experiment, but only as the means of meeting a pressing difficulty for that period. The experiment which he in reality made was the present Clause, which if it did not effect the intended object, that of saving expense, he should be ready to consider the question of imposing additional charges on the inhabitants of the towns. He thought, however, that the appointment of such a tribunal as that proposed by the hon. Member for Montgomeryshire, would in the first instance be an expensive and unjustifiable appointment.

Lord *Sandon* believed that the expense of the appointment of Revising Barristers for the purpose intended by his hon. Friend would be about 20,000*l.*, which he did not consider a heavy charge if they could succeed in effecting by means of it freedom and security of election.

Mr. *Robinson* was in favour of the Amendment, for even supposing that the system proposed by it did not work well, it might be easily changed.

Mr. *George F. Young* thought that their object should be not so much that the Bill should work cheaply as that it should work well. As he did not expect impartiality of decision from any local tribunal appointed in such a way as that intended under the Bill, he should vote for the Amendment.

Mr. *Blackburne* could not see why the Mayor and auditors, after the expiration of the first year, were not proper persons to revise these lists. Who were they? Persons chosen by the common council, as the best amongst that body to constitute a tribunal by which the lists might be corrected. Such a body would, in his opinion, be the fairest and best which could be appointed for such a purpose.

Lord *Sandon* said, that the observations of the hon. and learned Gentleman who had just sat down must be considered just, if the principle that the majority can do no wrong were acknowledged. As, however, he had not the same implicit reliance on the impartiality or love of justice of the majority in all cases, he should vote for the Amendment.

Mr. *Borthwick* thought that the Mayor should not be selected as one of those who were to be appointed for the purpose of revising the lists; indeed he, of all others, should be the last person chosen for such an office; for let him be ever so pure, he must be exposed to suspicion from the fact of his being obliged to take a principal part in making up the Returns originally. He would give his support to the Motion of the hon. Member for Montgomeryshire.

The Committee divided on the Amendment: Ayes 53; Noes 86; Majority 33.

### *List of the Ayes.*

Bolling, W.
Borthwick, Peter
Buller, Sir J. B. Y.
Buller, C.
Canning, Sir S.
Chisholm, Alexander
Clerk, Sir G.
Clive, Hon. R. H.
Egerton, Lord Francis
Egerton, W. T.
Estcourt, T. G. B.
Finch, G.
Fleming, J.
Gaskell, J. Milnes
Graham, Sir J. R. G.
Hamilton, Lord C.
Harvey, D. W.
Hogg, J
Hoy, J.
Hughes, Hughes
Inglis, Sir R. H. Bart.
Jackson, J. D.
Kearsley, J. H.
Knatchbull, Sir E.
Law, Hon. C.
Lincoln, Earl of
Martin, J.
Perceval, Col.
Pinney, W.
Plumptre, J. P.
Plunket, Hon. R.
Price, S. G.
Price, R.
Reid, Sir J. Rae
Ridley, Sir M. W.
Robinson, G. R.
Ross, Charles
Rushbrooke, Col.
Ryle, J.
Sandon, Lord
Shaw, F.
Stanley, E.
Stanley, Lord
Trench, Sir Frederick
Tulk, C. A.
Twiss, H.
Vere, Sir C. B. Bart.
Vivian, J. E.
Walter, J.
Whitmore, T. C.
Wilbraham, Hon. R.
Wilson, H.
Wynn, Rt. Hn. C. W.
Young, G. F.

The Clause amended, to stand part of the Bill.

On Clause 15 being put,

Mr. *Williams Wynn* rose and said, there were other persons who thought fit to declare their scruples at making oaths, and it would be impossible to confine the restriction to Quakers, Moravians, and Separatists as the Clause stood. Any alteration, giving to a solemn declaration the legal obligation of an oath, should be confined to those persons who declared at the time their religious scruples against oaths; if not so confined, it was really opening a door for getting rid of the oath with no restriction whatsoever. They could not doubt that there were, particularly among the uneducated, many who would fear to swear falsely, but who would think there was some difference in making a declaration which might shield them from the legal consequences of false testimony. He thought it much better that the oath should be done away by a distinct Act than brought thus incidentally within an Act of that kind.

Mr. *O'Connell* said, that by the Clause the principle was admitted, and there was a practical step taken towards facilitating the making a solemn declaration have the legal sanction of an oath, and thus getting rid of the oath altogether. He trusted they would soon have that principle universally introduced into the law.

Mr. *Goulburn* would not enter into the general question at all; what he objected to, and what his right hon. Friend, the Member for Montgomery had objected to, was this, — that by the Clause, thus worded, they stated, that when the Mayor was administering the oath, or the affirmation, to those who did not like to be sworn, they did not get rid of the oath altogether, but left it to be evaded or not. Now, he thought, that was a bad precedent. In the first place, when a man objected to be sworn, though his statement might be perfectly true, yet he was sure that the impression would prevail that he had chosen the affirmation to get rid of the obligation of an oath; and in the second place, they gave no power in the Bill to enforce the taking of the oath, even when religious scruples were not introduced as the ground of objection.

Mr. *O'Connell*: it would be much better to get rid of the oath altogether.

Lord *J. Russell:* My object in framing this Clause, was to exempt persons, legally exempted, from taking oaths. I think it would be much better to have substituted the affirmation altogether. At the same time, I think it is one of those questions which ought to be separately considered. I am, therefore, not disposed to settle it permanently in this Bill, but to reserve the question for a separate measure.

Mr. *Goulburn* said, he considered the effect of the Clause would be, that in all cases, whether of Moravians, Separatists, and Quakers, or not, the affirmation might be substituted for the oath, and that was, in effect, getting rid of the oath entirely.

The Clause was agreed to, as were the 16th, 17th, and 18th Clauses.

Mr. *Hughes Hughes* moved as an Amendment the insertion of certain words in the third line, with a view to add to the number of councillors of every borough, the Representatives in Parliament for the time being (if any), and Recorder for the time being (if any) of such borough, and all justices of the peace acting in and for the same. The ground upon which he was induced to move this Amendment was, that he thought the effect of the Bill would otherwise be to reduce the number of Town Councillors to too great an extent. In the city of Oxford, for instance, the number of Town Councillors at present amounted to ninety. Under the operation of the Bill they were then considering, that number would be reduced to thirty-three, and of these eleven would be empowered to do all the acts of the whole body. It was to remedy that defect, and to secure a proper qualification for at least a portion of the Town Council, that he was induced to move his Amendment.

Lord *John Russell* opposed the Amendment, which was obviously contrary to the principle upon which the Bill proceeded. He saw no advantage that could possibly result from its being adopted.

Mr. *Hume* hoped that the hon. Member for Oxford (Mr. Hughes) would at once see the propriety of withdrawing his Amendment. The principle of the Bill was, that the Town Councillors should consist only of rate-payers within the town or borough.

Mr. *Warburton* would suggest to the hon. Member for Oxford (Mr. Hughes) that the qualification which might fit a man to be a Member of Parliament, or even an Alderman, might not be a proper qualification for a Town Councillor.

Mr. *Scarlett* thought that the Recorder and Magistrates should, in every instance, be members of the Town Council *ex efficio*; and if the present Amendment should be negatived he should certainly feel it to be his duty to submit a proposition to that effect on the bringing up of the Report.

Sir *Edward Knatchbull* was not disposed to make the Recorder and Magistrates members of the Council *ex officio*, but he wished to know whether, if they should be elected, they would be deemed ineligible.

Lord *Howick:* No.

Amendment withdrawn.

Mr. *Borthwick:* Sir, I rise to call the attention of the House to the appointment of the persons who are to be elected members of that body, which will be or may be, a very inexperienced body in the management of funds so large, and the administration of duties so important as those which are to be performed by the Magistrates of the boroughs, and not upon this consideration only but for the sake of preserving peace, unity, and good-will between the new Corporations, and those whose place they fill. I venture to submit to the consideration of the Committee, the Amendment of which I have given notice for the purpose of continuing in their offices for life, all the members of the present Corporation. ["*Oh! Oh!*"] If Gentlemen who give utterance to those sounds intend them as arguments, I should consider it much the more convenient course, to give up such arguments to those who have not the power of articulate speech. The object of the Motion is twofold; the first is, to gain the advantage of the experience of the present Corporation. [*Laughter.*] It is a principle upon which Gentlemen opposite who laugh have acted in this country ere now. There have been instances in which Gentlemen have been very glad to avail themselves of the talents of Gentlemen who have distinguished themselves in very high offices. But it is not necessary to refer to precedents, the question under discussion is not one which will be decided by such examples. The Motion which I am about to submit is not one which can be properly met by any party reprobation for it will not interfere with the principle of the measure. There is not one who may be most opposed to the Amendments which are introduced in this Bill, by Members on this side of the House, who will suppose that this Motion has anything to do with the principle of the Bill; the Motion may tend to promote the efficiency of the Bill, and the good will of the local government, or it may tend to the opposite, I admit. [*Cheers.*] If Gentlemen who cheer, will prove, I, of course, will give up my Amendment. But no person can insinuate that it can have any other object, or is brought forward with any other view than that I have alluded to. Take the instance of a borough in which there are fifty Councillors, under this Bill, and in which there is now an existing Corporation. I wish to be told what evil there is in making the present Corporators, against whom no charge has been made of misconduct, and who have discharged the duties of their office respectably, and to the satisfaction of the community with whom they have been connected—what evil can there be in such men being again made councillors? Supposing it were said that admitting it to be an immediate benefit; that the transmission of the knowledge, experience, and wisdom of these persons into the new body, is for the time good, yet it would be continuing the old system, to give a number of persons the power of making themselves members for life; if so, I then have no objection to so many of them going out from year to year, say one in ten, one in two years, or some such period as may be thought fit; but I think that in the instance to which I have referred, a hypothetical instance where there will be fifty men, all of them elected from the class of persons who will for a time have no experience in the discharge of their duties; if such a body is to continue in the management of ten, twenty, thirty thousand pounds a-year of public money, and enter upon the discharge of duties so vastly important as those which will be under the superintendence of the Town-Council, I cannot but fear that much mischief will follow, and let it be remembered that I am not speaking against the respectability of the lower orders, that is not the question, the question is not one of respectability but of ability, and capacity for government. Another reason and a more important one, perhaps, arises out of a wish to provide for the good will which should subsist between the present Corporations and those which will take their places. It has been a most laudable practice in the boroughs for the most respectable part of the citizens to be made members of the Town Council. And whatever Gentlemen opposite may say, I cannot help asserting that there is something not unreasonable in those persons turning round, and saying, "what evil have we done, that that which we have pursued as the fair object of ambition, as the reward of virtuous principles, should be taken from us, and given to those who have nothing to bring forward in their favour?" If that feeling exists, I ask will it not be proper to afford some measure which will soften down that feeling without interfering with the principle of the Bill, or preventing the accomplishment of those objects which its promoters expect? Would my Motion, if carried, prevent justice being impartially and fully administered. [*Loud cries of "Yes! Yes!"*] Hon. Members say "Yes." I hope the noble Lord will prove it. Why will it be so? Has not justice been impartially administered before? I repeat, has it not? ["*No, No!*"]| hon. Members who assert that, will do me the justice to recollect that I do not wish any Corporation to be continued that can be proved to have perverted justice; but I do say, that those who have never even been charged, are fit members of the new Corporations, to give them the benefit of their knowledge and experience. Having thus stated the Amendment I propose, I hope Gentlemen will endeavour to prove that it will militate against the principle of the Bill, if it do I will certainly abandon it; if not, I will not be deterred, by any fear of party accusations, from pressing it to a division. The hon. Member then moved his Amendment.

The *Chancellor of the Exchequer* said, that the Amendment was against the principle of the Bill, which was, that the affairs of a town should be managed by persons elected by those who had property in it, whereas the principle of the Amendment was to bring into the Government of the town, persons not elected by the inhabitants. The proposition, however, involved not a logical, but an arithmetical absurdity in its working. At Oxford, for instance, the numbers of the Town Council were to be thirty-three, and how could ninety, the number of the Corporation, be included in thirty-three? If the hon. Member was so confident of the deserts of the gentlemen whose cause he advocated, he could have no apprehension that they would not be elected.

Mr. *Charles Buller* observed, that in Leicester, Liverpool, and some other towns, the Corporation included the freemen, so that the town council would, in such cases, amount to 5,000 or 6,000.

Amendment withdrawn.

The Clause was agreed to.

On Clause 20,

Sir *Robert Peel* rose to propose an Amendment which related to the qualification of those who were to be elected members of the town council, and to simplify his statement on the subject, he would divide it into two heads—first, as to whether there ought to be a qualification or not for members of the town council; and next, if there should be, what ought to be the nature of the qualification. He was aware that there were various opinions on the subject. Some persons thought that there ought to be no qualification whatever, but that the electors should be at liberty to elect whom they pleased, without any reference to property, while others were of opinion, that a certain qualification as to property was indispensable. He would not enter into any detail as to either of those opinions, for he had always found that, where disputed points of this kind were discussed, which turned more on theoretical principles than on facts, the discussion generally ended by leaving each party in the same opinion which he entertained when it began. He would, therefore, confine his remarks to what had been the usual practice in local enactments for many of our towns. He was quite aware that, according to ancient practice, no pecuniary qualifications were required for members of Corporations, but the usual words of the charters were that they should elect "fit, discreet, and respectable" persons to fill the corporate offices. No peculiar qualification was named beyond those general terms, but the spirit of the charters was, that persons fit for their respective offices should be appointed, and he apprehended that, even in those self-elected Corporations, whatever might be their defects in other respects, care was taken to elect persons of wealth and respectability. Many towns were regulated in their local arrangements of police, watching, lighting, and so on, by Acts of Parliament, obtained generally with the consent of the whole body, or with that of the great majority of the rate-paying inhabitants; in some of these the officers of the Corporations were included as guardians or trustees; in others they were not. These Acts, he repeated, were in general sought for with the good will of the majority of the rate-payers, and were discussed before Committees of that and the other House, but in almost every case it was found that a small body was appointed for controlling the watching, lighting, or other local arrangements. Sometimes this body was elected by the rate-payers generally, and sometimes by those who possessed certain defined qualifications, but, in all cases, there was a fixed qualification named for those who were to be members of the governing body. In Manchester, it was necessary that the members of the governing body should each be the occupier of a house rated at 28*l.* a-year, or the owner of a tenement of the value of 150*l.* In the same town the electors of the governing body were required, as a qualification, to occupy a house rated at 16*l.* a-year, or, if a publican, he must be rated at 32*l.* a-year. In Salford, a similar principle was adopted, and he recollected well the hon. Member for Salford calling their attention to the course of modern improvements in that town, and to the excellent system of local government, and yet, in Salford, a qualification was necessary on the part of each member of the governing body. The Act which required the qualification was passed for the good of the whole town, and by the testimony of the hon. Member himself, than whom no one was better qualified to judge of the management of the local interests, the Act had effected its object, and given rise to not the slightest dissatisfaction. All these regulations, let it be borne in mind, were found in recent local Acts, which were called for by the general voice, and which gave general satisfaction. In Birmingham, the qualification for the members of the governing body was, being rated at 15*l.* a-year; or being possessed of 1,000*l.* in real or personal property. In Sheffield, the qualification was being rated at 20*l.*, or possessing property to the value of 1,000*l.* In Sunderland, it was being rated at 20*l.* a-year, or having 30*l.* yearly income. In Devonport, it was being rated at 20*l.* In Wolverhampton, it was being rated at 20*l.* a-year, or possessing 1,000*l.* personal property. In Bilston, the qualification was 40*l.* a-year in land, or being the son of a man worth 100*l.* a-year, or possessing 1000*l.* in personal property. In Bolton, it was 100*l.* in real or personal property. In Brighton, it was 100*l.* a-year in house or land, and in Oldham, 100*l.* in land. In Stoke-upon-Trent the qualification for the governing body was 100*l.* in land. He was taking, as illustrations of his arguments, those towns which were most popular, or which were considered to represent popular opinion.

Mr. *Brotherton* said, that, in Manchester and Salford, some individuals were Commissioners under local Acts for watching, lighting, &c., in virtue of their property, without being elected.

Sir *Robert Peel* said, that he spoke only of those who were required to be elected. In Stroud the qualification of a Commissioner, under the local Act was 100*l.* a-year in land, or being the son of a person having 150*l.* a-year, or having 3,000*l.* in real or personal property. He would not say, that this was the lowest scale to which a qualification should be reduced, but he had observed, that in places where the qualification was highest, there popular opinion prevailed most, and, as an instance, he might mention the borough of Stroud, which had returned the noble Lord as its Representative. He had mentioned these cases to show that, where powers were given, such as those of Commissioners for watching, paving, and lighting, care was taken, in almost every instance, that the parties exercising those powers should have a certain qualification as to property. In asking the Committee to adhere to this course, he sought to introduce no new principle. They were going to make a new governing body in Corporations, and all he asked was, that they should not do away with the qualification which was usually required of every member of such body. But they were going to do more than confer the mere patronage of watching and paving and lighting. Some of the Corporations under this Bill, would have considerable patronage in other respects. The Town Council were to be, in some cases, commissioners of charities, and these were reasons why they should have some qualification as to property. The Bill would give greater powers to Magistrates in some Corporations, and, he would ask, was it right that they should have less qualifications than were now given to those who had much smaller powers to exercise? Another reason for the necessity of a qualification was, that a party was liable to a fine for refusing to serve as a member of the governing body. A blank was at present left in the Bill for the amount of the fine, so that he could not say what its amount was intended to be; but if a man were to be fined for refusing to accept an office, he ought to be selected from that class which could pay the fine, otherwise it would be gross injustice. But what fine could be imposed on a man who derived no qualification from property? He would not say, that the possession of property necessarily implied respectability, but it was, at least, some guarantee, in the party appointed to office, for his conduct in the discharge of its duties. It was required of a Magistrate that he should have at least 100*l.* a-year in the county in which he exercised his functions, but the Mayor of any of the Corporations under this Bill would be a Magistrate of the county in which it was situated. Would it not, in that case, be necessary that he should have some qualification? Was it consistent with the principle laid down on the opposite side, that there should be no qualification for the mayor of a borough, who, being the returning-officer for that borough, was liable to a fine of 500*l.* for any neglect of his duty as such returning-officer. Surely, it was absurd to say, that a man who might be so fined for neglect of duty might have no qualification as to property. Let him add, that a man was by this Bill disqualified by bankruptcy or insolvency, yet both might be consistent with strict integrity; but if property was not to be a qualification, why should bankruptcy or insolvency disqualify? When he spoke of property as a qualification, he felt that it would not be proper to attach a very high qualification to the members of the governing body. In this respect, he thought there ought to be some distinction between towns. The Bill related to towns, some of which were extensive and prosperous, and others were small and comparatively poor. Now it would not be fair to have the same test of qualification in these two classes of towns. He had looked to the cases of most of the towns, and he had adopted a lower qualification than that which was usually adopted; and in making it, he had distinguished between the two classes of towns recognised by the Bill, he meant those which were divided into wards, and those which were not so divided; and, as he had mentioned wards, he hoped that the principle of dividing towns into wards would be more general than it was at present in this Bill. He thought that that principle ought to be extended much beyond what it was at present. He trusted also that the Committee would go with him in thinking that it would be right not to adopt a single qualification for all towns, but they would consent to distinguish between the greater and the smaller towns. In the Birmingham Bill, the qualification for the governing body was 1,000*l.* real or personal property. He thought he could suggest a better mode of fixing the qualification. It would, in his opinion, be better to make it consist of joint qualifications; for many tradesmen might find it difficult to swear that they had realized 1,000*l.* He would therefore propose, that in towns which were divided into wards, the qualification for the members of the governing body should be, that they were possessed of an estate, real or personal, of the clear value of 1,000*l.*, or that they should be rated to the relief of the poor on a sum of not less than 40*l.* a-year. In towns not divided into wards, the qualification should be, that the Town-councillor should be possessed of at least 500*l.* in real or personal estate, or be rated to the poor-rate on a sum of not less than 20*l.* a-year. Those who thought with him that there ought to be a qualification might differ as to the amount which he had mentioned, but he could not think that he had stated it too low. There were various tests in several local Acts, and he had taken the lowest. What he had stated was lower on the average than the majority of the cases in which Local Acts had been passed. The right hon. Baronet concluded by moving as an Amendment, that after the word "council" in the Clause, the following words should be added:—"Provided such members of council who shall be elected in boroughs divided into wards shall, at the time of their election, be seised or possessed of real or personal property of the clear value of 1,000*l.*, or that they shall be rated on a rental of not less than 40*l.* a-year; and also provided that all such members elected in towns not divided into wards shall, at the time of their election, be seised or possessed of property, real or personal, of the clear value of 500*l.*, or be rated to the relief of the poor on a rental of not less than 20*l.* a-year."

Mr. *Blackburne* said, he should object to the Amendment of the right hon. Baronet, as it would tend greatly to narrow the rights of electors. Practically he did not think it could have much effect, for he thought there could be little doubt that where electors were called on to act in Corporations they would; they, as having an interest in the place, would select those who were most fit for the office they were to fill. If the people were left to themselves, there could be no doubt that they would elect persons of property to fill the vacant places in Corporations. But let it be borne in mind that it was not property alone that was required to fill those places. Intelligence was also necessary; yet, unless a man was known to be a man of some property, it was not always that an opportunity of finding out his intelligence was given. The right hon. Baronet had referred to what he called the usual practice of Corporations, but the general practice had been the reverse of what the right hon. Baronet seemed to think, for in any corporate charter there was no expression to denote the amount of property necessary as a qualification. It was true that charters said that "fit and discreet" persons should be elected, but it was left to the electors to decide who those persons should be. The right hon. Baronet had laid great stress on the case of Manchester. Now, he happened to be engaged as counsel on a Bill which had been brought in with respect to the local government of Manchester. That Bill passed, but it was thought by some that it did not work well, and another Bill was brought in to alter and amend it. The former Bill was considered to have given too much power to the rate-payers. He was engaged to oppose the second Bill, and it was so much altered in its progress through the Commons, that those who had brought it in abandoned it, and he was under the necessity of carrying it through. When it went to the Lords, those who had introduced it in the Commons became its opponents, and he, who had at first opposed it, became its supporter. But seeing the complexion of the Committee before which it went in the other House, he was afraid he should not be able to carry it through; and he therefore entered into a compromise with his learned Friend, who was instructed to oppose the Bill, and who on his part was afraid that it might be carried in the state in which it left the Commons, and the result of that compromise was that the Bill passed.

Sir *Robert Peel* said, that by the Bill the electors were to have a qualification.

Mr. *Blackburne:* Only as rate-payers, but the commissioners of police were to have a qualification.

Mr. *Brotherton* said, that by the Bill in question, all who were rated at 30*l.* a-year were to be Commissioners of police and paving and lighting, by virtue of that rate, and without election.

Mr. *Blackburne* suspected that his hon. Friend the Member for Salford and himself were not speaking of the same measure.

Sir *Robert Peel* suspected that the hon. and learned Gentleman was not quite correct as to the place in which this alteration of the qualification had taken place.

Lord *Stanley* also suspected that the hon. and learned Gentleman was mistaken. He had himself been a member of the Committee which sat upon this Manchester Bill, and before which this very question of qualification was discussed, and if he was not greatly mistaken, though he was sorry to speak against the hon. and learned Gentleman, it was a question before that Committee whether there should not be an additional qualification for the elected beyond that which was required for the elector, Upon that question a compromise afterwards took place, as he believed, in the House of Commons, and by that compromise a great difference was made in the qualification required both for the elected and for the electors.

Mr. *Blackburne* said, that though the noble Lord might not recollect his appearance as counsel before the Committee, he well recollected appearing before the noble Lord as a member of the Committee. His impression was, for at this distance of time he would not be bound to say—

Sir *Robert Peel:* You are bound to say that you approved of this Bill as it passed through the House of Commons.

Mr. *Blackburne:* Certainly I did, for, to the best of my recollection, the compromise took place in the House of Lords. If any of us have the Bill as it passed through this House, that will decide the question between us, but I looked for it today among my papers, and was not able to find it. We only see in the Statute-book the Bill as it ultimately passed the Lords, and there a qualification is fixed both for the electors and for the elected. The hon. and learned Gentleman then proceeded to admit, that all the modern Acts, not only those mentioned in the schedule to this Bill, but also many others, which had been examined by some of his learned friends, who had been engaged in drawing up this Bill, did contain Clauses requiring a qualification for the persons to be elected. But how, he would ask, did that arise? In former times, it was quite clear, that for the election into Corporate offices, no qualification was required, for no mention of such a qualification was to be found in any of the Charters of our ancient boroughs. How, then, did it come to be required in our Acts of Parliament. They would find on inspecting these, that where a qualification was required, it was in cases where there was no election, but where a man became a Commissioner of Police or watching by virtue of the property which he held; and in such cases, as there was no elector, it became necessary that there should be a qualification of property. But it was otherwise when the question referred to those who were not self-elected, but who were elected by others to act on their behalf and for their benefit. If this were a matter of mere politics—if it related to the election of Members of Parliament, or of persons to whom were to be confided great trusts, of which they might take advantage either for themselves or others, then a qualification might be necessary, for in such cases the electors might be swayed to elect persons not the most fit for the discharge of the duties imposed upon them, but the most likely to confer benefit upon those who elected them. In this Bill, however, the least possible patronage would be vested in the Members of the Council. All they would have to do would be to consult what was most for the benefit of the town. They would have a public duty, and only a public duty to perform; and, therefore, he could not for his life perceive why a qualification should be imposed on them so as to fetter the right of electors to choose, not the fittest persons for their purpose, but certain persons out of the narrow circle to which they were limited. It had been said, that even among the present self-elected bodies, as they were called, it often happened that the people at large had the power of making a choice. Ay, they had the choice but it was only one, or two, or three persons, appointed by the ruling body whom the people had it in their power to choose. Although this was not exactly the same sort of choice which the right hon. Baronet would give the burgesses, it was still something like it. For they are not to choose the persons the most fit in the borough, but the persons who are the most fit in the small qualified body to which the right hon. Baronet would confine them. He must also contend that the qualification which the right hon. Baronet had fixed in his Amendment, was much too high for the purposes of this Bill. In the smaller boroughs he thought that there would not be a sufficient number of persons qualified to fill the office of Town Council, even if they were to be chosen by virtue of their property, and without any election. He recollected that it appeared from Returns made to the House, when the qualification Clause for the electors under the Reform Bill was under discussion, that in a certain borough, which had a Mayor and Common Council, there was only one 10*l.* house. Now, he believed that it would be discovered that there were a great many boroughs not in exactly the same predicament, but there were a great many in which there would not be found persons enough to fill the municipal offices if a 20*l.* qualification were taken. It was upon this ground that he should oppose the Amendment. It would be narrowing the choice of the electors, and taking from them their right to elect the persons who were best qualified to discharge the duties of Town Council, that he resisted this Amendment. He wished to remind the Committee, that for the Members now returned to that House by the people of Scotland, no qualification was required, and yet those Members did not yield to any in that House for sagacity, for intelligence, or for a desire to perform their duties faithfully to their constituents. The same was the case with respect to the Magistrates, who under the new system, exercised jurisdiction in the Scotch burghs. The electors in those burghs were indeed curtailed in one of their privileges, having to provide themselves with a 10*l.* franchise, but having that franchise, they were free to choose whomsoever they pleased. If then a precedent were wanted to justify them in adopting this Clause without Amendment, they had a precedent for it in the absence of all qualification for the persons elected to represent Scotland in Parliament, and to exercise jurisdiction in its municipal burghs.

Mr. *Robinson* said, that it appeared from a Clause in the noble Lord's Bill, that the rate-payers within the borough were to have the power of electing the Town Council from their own body without any regard to property or other qualification. By the proposition of the right hon. Baronet, the choice of the rate-payers would be limited to persons who possessed a certain pecuniary qualification. He confessed that it appeared to him that the qualification proposed by the right hon. Baronet was remarkably high. For his own part he thought that the election of the Town Council ought to be vested in the rate-payers, without being subject to any further qualification. As the hon. and learned Member who last spoke, said that the Amendment would narrow the sphere from which the rate-payers would have to choose—that the effect of it would be to exclude a valuable class of persons —that it would prevent them from selecting persons of intelligence and capacity, and as he so far agreed with the opinion of the hon. and learned Gentleman, he could not support the Amendment proposed by the right hon. Baronet.

Mr. *William Williams* (Coventry) said, that no qualification was required for the Corporate Officers of the City of London, and yet they had the management of funds, that amounted in the shape of rates, local taxes, and trusts, to 400,000*l.* In point of fact, though no qualification was necessary, the electors always chose persons of great wealth, and the consequence was, that great improvement had taken place in that Corporation. He should oppose the Amendment.

Lord *Sandon* said, that the original Charters provided, that persons elected to Corporate officers, should be fit and discreet persons. When those persons were once chosen, whether by the Crown or otherwise, and that the original choice was a good one, it was but natural to conclude that the persons so chosen, and having a right to make a choice for the future, would follow the example set them, and choose in their turn fit and proper persons. They were told, that it was of no consequence whether the persons chosen to fill Corporate offices, were men of property or not; that they had no important trusts confided to their charge, and no extensive patronage. When the hon. and learned Member made such a statement, he seemed to overlook the fact, that they would have important trusts to manage, and a large amount of property to deal with. Take the case of Liverpool, for instance. The Corporate Officers of that town had to manage 100,000*l*. a-year, that arose from tolls levied on the docks. The qualification to have the management of such funds was not too high, when it was in some instances to be possessed of 50*l*. or 100*l*. a-year, and that the persons who elected such officers were to be the 10*l*. householders. It was of vast importance that the persons who had to manage the interests of the rate-payers, should be persons of property themselves. There was a great deal of Church patronage in Liverpool in the power of the Corporation, and if that patronage should fall into the hands of persons who possessed but very small property, what security was there that they would not be tempted to sell that patronage? The proposition of the right hon. Baronet was consistent with all local trusts, and with the principles on which all Corporations were based, namely, that those persons who had the management of the property of others should be interested in the good management of it, and possess property themselves. With this view he should support the Amendment of the right hon. Baronet, and he thought that the qualification proposed by it was an extremely moderate one. It would meet with the approbation of the country, and the Whig Gentlemen residing in boroughs would be as favourable to it as the Tory Gentlemen.

Sir *John Hobhouse* contended, that the clause as it stood in the Bill was most congenial to its general principles. In his opinion, all persons who were concerned in borough Government ought to have the free choice of the borough Magistrates, who were to have the control of the borough funds. The noble Lord who had just spoken approved of the qualification proposed by the right hon. Baronet opposite, because it was moderate in amount. Now, he would remind the noble Lord of one or two facts, which would show how the imposition of that qualification would work in practice. In that change of parochial Government which he had had the honour of introducing into that House, a rated qualification was fixed for those who were to conduct the affairs of the parish. That rated qualification was fixed, however, against his opinion, and against the opinion of other Gentlemen with whom he acted. He would tell the noble Lord and the right hon. Baronet what had been the effect of fixing a 40*l*. qualification for the Members of Select Vestries. In the metropolitan parishes, the qualification for the elected was a 40*l*., for the electors a 10*l*. house. Now, in two of the largest parishes in London the effect of that Clause had been to nullify the Bill entirely. It had not produced in those parishes, as it had in some others, any salutary consequences. If either the noble Lord or the right hon. Baronet thought that there was a general propensity in the people of England to choose persons for their local Government who had a tendency to misgovernment, that was an objection to the Bill *in toto;* and we had no right to be talking of introducing so great, so decided, and so pernicious a change into the Corporations of the country. But if it were a fact, that in the times in which we live there was that degree of intelligence and interest in good Government among the people of England which should induce the House of Commons to trust them with the Administration of their own affairs — if the House was proceeding upon that principle the Ministers were right in the proposition which they had made, and the right hon. Baronet was not right in his limitation of that proposition. He had heard a great many popular arguments urged, both in defence and against the propriety of fixing a pecuniary qualification for those who were elected to offices of trust and dignity. Would any man who had had much Parliamentary experience in those Committees which had sat to decide upon the qualification of some of the first men in that country,—he meant Members of that House,—would any man with such experience venture to say, that pecuniary qualification was a *bona fide* protection against the intrusion of improper persons into Parliament? It was known not to be so. And if that were true, how was it that the right hon. Baronet ventured to say, that the imposition of a pecuniary qualification would be a protection against the intrusion of improper persons into our Municipal Corporations? It might be true, that in the present state of Corporations in which the Municipal Officers were elected for life, a pecuniary qualification was necessary, inasmuch as they were not removable from their offices. But under the new state of things which this Bill would produce, they would be removed periodically, and therefore, if the electors should happen to find that they had been mistaken in the character of those whom they had elected, they would have an opportunity of correcting their mistake by removing them at the next election. With all respect to the right hon. Baronet, he must say that he had heard nothing during the debate which was calculated to alter his opinion upon the subject. It had always been his opinion, that when you are founding a measure on a great popular basis, you should carry out your principle to the full, if it be defensible. Here your principle was not only defensible, but also most admirable, and hitherto he had heard no reason for departing from it.

Mr. *Goulburn* thought, that the right hon. Baronet who had last addressed the House had not taken into consideration the trusts, charities, and duties that would be intrusted to the management of those persons for whom a qualification was sought. The duties that would devolve on those persons made it, in his opinion, imperative that they should be individuals possessed of a certain amount of property. Would the right hon. Gentleman contend, that the management of funds might be intrusted to persons without any qualification, and that that would be a sufficient guarantee for their integrity? The right hon. Gentleman would agree with him that it had always been the practice in this country that when persons were intrusted with the management of funds in which they were not personally interested, the only way to have security that those funds should be properly administered was, that the persons should be possessed of property. If they had not property how could they be come upon legally, and be obliged to repay those sums they had improperly applied? The Town Councils of boroughs would have the management of large charities, and of funds left by individuals for particular purposes, and was it not fit that there should be some security that they would apply them according to the will of the original donors? The present Bill presented no such security. The right hon. Gentleman was of course aware that persons had misapplied such funds, and converted them to their own use. The Courts of Law came down upon them, and, being persons of property, compelled them to repay to the proper parties injured the sums they had dishonestly applied. If those persons had had no property what would have happened, and what would have become of the charities, the funds belonging to which had been misapplied? He begged the right hon. Gentleman to consider the infirmities of human nature and the temptations to which all were exposed. He would then ask him, whether some guarantee was not necessary for the proper management of such funds as he alluded to? Under the Bill before the House there would not be sufficient security. The right hon. Gentleman in case of the misapplication of such funds might have recourse to the Courts of Law. He might punish the guilty party personally, but if he possessed no qualification as to property, he could not obtain any pecuniary redress. If what he said was no argument in favour of personal security it certainly was one, and a very strong one, for the necessity of a pecuniary qualification. When persons had the management of funds for the benefit of others they should be made responsible, and the parties that might be injured by misapplication of those funds ought to have the means of redress placed within their reach. Those, if there were no other reasons, would induce him to support the Amendment of his right hon. Friend.

Mr. *Ewart* considered that much more security for the proper management of Corporate Funds was to be obtained from the common interest municipal officers took in the welfare of the community of which they formed a part than from any wealth they might be possessed of. The borough system generally must be remembered as reflecting discredit upon the country at large, and he only wondered that his noble Colleague should not have recollected the state of things at Liverpool. There the Corporate Officers, persons who enjoyed their privileges he might almost say *ex officio*, had the entire distribution of a sum of 100,000*l.* a-year, arising from the docks; but then the Common Council of the town, who had no qualification at all, possessed a *veto* over the proceedings of the Corporate body. In private Bills it might be necessary to adopt the precaution of a qualification; but surely that House, when legislating on a great and general subject, was not to be governed by so small and paltry an example. For his own part he must say that he hoped the time was not far distant when no qualification would be necessary for the election of the Members of the Legislature, much less for the election of the members of Municipal Corporations; and the reason he wished to see all qualifications of the sort got rid of was, because he did not think such security at all necessary to the good government of the country.

Mr. *Barlow Hoy* considered that a qualification in such cases was absolutely necessary, and in proof of his assertion he referred to the East-India Company, who had attached, and, in his judgment, very properly, a high qualification to the office of Director.

Mr. *Francis Baring* wished to call the attention of the House to that which would be the real effect of the proposition of the right hon. Member for Tamworth on the different towns in which this measure was intended to operate, and for that purpose he would call hon. Members' attention to the Borough which he had the honour to represent. He found that in Portsmouth, which was separated by wards from Portsea, the whole number of Common Councilmen furnished by the different wards was forty-eight, although there were only fifty eight houses in the Borough rated to the house duty above 40*l.* a-year. The house duty was higher in this Borough than the poor-rates, and the result of adopting the right hon. Baronet's Amendment would be, that out of the forty-eight Common-Councilmen now chosen eighteen only would be eligible to be elected.

Sir *Robert Peel:* Surely the hon. Gentleman does not mean to allude to the principal part of the Borough?

Mr. *Francis Baring* said, that he did, and he thought the Amendment of the right hon. Baronet a blind mode of proceeding.

Sir *Robert Peel* quite agreed with the hon. Gentleman, that he had discussed this question in a very blind way. The hon. Gentleman had undertaken to explain his (Sir Robert Peel's) Amendment but how had he accomplished that task? Why, by leaving out of sight altogether the simple fact, that the Amendment gave the alternative of another qualification, namely, that of the possession of 1,000*l.* or of 500*l.* real or personal property, or being rated, in the one case, to the extent of 40*l.*, and in the other to the amount of 20*l.* His Amendment proposed a double qualification; for it provided that to entitle a party to vote for the election of Municipal Officers he should either be rated to a certain extent or possess real or personal property of a given value, or both. Although it appeared, from the hon. Gentleman's statement, that if this Amendment were carried only eighteen houses in Portsmouth ward would confer a qualification by rating, yet it did not follow that there would be any obligation against electing Members of the Council out of the ward. He could not, however, believe that the hon. Gentleman seriously meant his statement to apply to the principal part of the borough.

Mr. *Francis Baring* said, that what he had said certainly did apply to the principal part of the town.

Sir *Robert Peel:* Did the hon. Gentleman mean, then, to tell the House that there were only forty-eight persons in Portsmouth who were worth 1,000*l.*?

Mr. *Cumming Bruce* thought, that the example of Scotland ought to convince every rational person that dispensing with qualifications in cases like the present was most unwise. It was well known to every one at all acquainted with the present Scotch burgh system that the persons who had been chosen for the purpose had failed to carry on the affairs of those burghs with anything like efficiency; and no one who looked at the returns relating to the distribution of the Corporate Funds of Inverness, and the other boroughs which he had the honour to represent, could for a moment doubt that in those burghs Corporate Property had been seriously deteriorated by mismanagement. If a qualification were necessary for the election of Members to serve in that House, it was equally called for in the election of Municipal officers: and although he should be glad to see the qualification for Municipal

Officers lowered, he thought that to dispense with a suitable qualification would be unwise, especially with the evidence which the Scotch burghs furnished before their eyes.

Lord *John Russell* contended, first, that the proposition of the right hon. Baronet was a restriction on the powers of the burgesses; and secondly, that there ought to be very strong reasons for the adoption of such a restriction by the Committee. He thought that his Clause tended more to produce good Government in these boroughs than the proposition which the right hon. Baronet had moved as an Amendment on it. The right hon. Baronet, he said, had confined his observations to the instances of towns in which these qualifications had been fixed for the Members of the governing body, but had not said one word to prove that those qualifications had produced good Government. He was ready to grant that a great number of those local Acts to which the right hon. Baronet had referred established the fact that Parliament had of late years fixed a pecuniary qualification for the Members of the governing body; but having granted that, he was not ready to grant that they were now bound to follow the course which Parliament had formerly chalked out for them. He should state very shortly his reasons for opposing this Amendment. The first was, that our ancient charters did not contain a syllable about the pecuniary qualification of the Magistrates of the boroughs to which they were granted. There was not at this moment, in the city of London any qualification for Municipal Offices; and for the Common Council, which was elected yearly, no pecuniary qualification was required; so much for the original qualification of charters. Was there any general principle or satisfactory reason on which to establish the proposed qualification? He thought not. In his opinion both reason and principle were in favour of an unrestricted choice, by the burgesses, of persons in whom they think they can most justly confide. If the House did not confide in them, it would be better not to give the privilege; if it did confide in them, it was better not to encumber them with the restriction. There would be great practical inconvenience if the right hon. Baronet's Amendment were adopted. In many places the proposed qualification would be exceedingly high, and in different towns it would be extremely various. In many large towns, as in the case of Portsmouth, the 1,000*l.* property qualification, and the 40*l.* rating, would be attended with the inconvenience stated by his hon. Friend, the Member for Portsmouth, and the same objection would also apply in other places. With regard to smaller boroughs, such as Chippenham, for instance, the qualification of 500*l.*, or 20*l.* rating, would exclude many persons altogether who were extremely well qualified. He knew with respect to the principle of 20*l.* rating, that when returns came before him on the subject, it appeared that in many towns to which the Amendment would apply there were not above five, ten, or fifteen houses rated at 20*l.* He therefore thought, that the qualification would be found exceedingly various, and inconvenient in its practical operation, and that the Clause would be in a great degree rendered inoperative if it were adopted. He hoped that the Committee would not agree to the proposed alteration. As to the idea of persons being likely to be guilty of embezzling funds committed to their management, if there were not a pecuniary qualification, he thought that the right hon. Gentleman, (Mr. Goulburn), when making this objection, must have been thinking of the present state of Corporations with which he was acquainted. No doubt the right hon. Gentleman spoke on the supposition of a self-elected body with the entire management of funds, unchecked by the opinion of their fellow-townsmen, and by the due examination and publication of accounts. No doubt that was the idea which occupied the right hon. Gentleman's mind when he spoke of the chance of embezzlement. Supposing the Town Councillors to be persons capable of being guilty of the crime mentioned—a thing which he did not think likely—still there existed the security of certain checks on embezzlement; there were treasurers, auditors, and an inspection of accounts, as securities for the good and just management of Corporate Property. For the reasons stated, he was not disposed to consent to the right hon. Baronet's Amendment. He admitted that it was in conformity with the principle adopted in certain local Acts in which it might, perhaps, be properly enough introduced, but he objected to a qualification in a general measure such as the present, and preferred leaving the matter to the electors, who had so strong an interest in choosing proper Councillors, that he did not consider them likely to make an improper choice.

Sir *Robert Peel* said, that the noble Lord had reproached—no, he would not say reproached—but animadverted upon him for not having rested his case on some general train of reasoning; but had he not adduced a stream of concurring evidence to show that what he proposed would most conduce to the good government of the places to which this Bill was intended to apply? He had thought it better to refrain from adducing any authority except such as was founded upon general reasoning, but if the House wished for other precedents then he would refer them to one of great authority—he would refer them to a Bill brought in by the noble Lord himself—and when he heard the noble Lord pronouncing censure upon those who were unwilling to place implicit confidence in the electoral body—when he heard him talk about good government on the part of the governing body, because forsooth, the electoral body would only choose those in whom they could confide, he stared at the restrictions which he found on looking into the Act which the noble Lord had supported through that House, "for the better regulation of the affairs of the parishes of St. Giles's-in-the Fields, and St. George's, Bloomsbury." Here there was an excellent opportunity for the noble Lord to act upon his own principle; but had he done so? The noble Lord had now disclaimed all restrictions as unnecessary and uncalled for, on the ground that the governing body would be always controlled by the good sense of the electoral body; but was this the principle upon which the noble Lord's own Act was founded? The House would see. The Act to which he referred provided that one-half of those who should be eligible to vote for the election of vestrymen, churchwardens, and other parochial officers in the parishes of St. Giles's-in-the-Fields, and St. George's, Bloomsbury, or who, in execution of that Act, should, from time to time, be elected under it, should be resident householders in the parish, and rated to the relief of the poor in an annual assessment of the value of not less than—what did the House think? why, than 75*l.* per annum. The noble Lord attached another qualification to the other half; but although four divisions took place respecting the qualification of the electoral body, not one division occurred with reference to the governing body. By the same Act no rate-payer was entitled to vote unless rated to the amount of 30*l.* a-year. An hon. Gentleman proposed that the rating of voters should be 15*l.*, but the noble Lord opposed and divided against the proposition, which was lost. The noble Lord said, on that occasion, that though he thought 30*l.* too high a qualification, he considered 15*l.* too low. Not a doubt was entertained as to the propriety of the qualification of the governing body, but there were four divisions on the subject of the elective body. Thus it appeared that when this Act was passed, the noble Lord, who now reposed the utmost confidence in the discrimination of the elective body, had great doubts as to the electors choosing the persons best qualified for the due administration of their affairs.

Viscount *Howick* was not surprised that the right hon. Baronet, with that skill and dexterity which never failed him when he found himself in an awkward position, had endeavoured to draw the attention of the Committee from the real point before them, by trying to get up a laugh against his noble Friend on a matter entirely inapplicable to the present Question. The right hon. Baronet did not attempt any answer to the point urged by his hon. Friend (Mr. Baring) in reference to such places as Portsmouth; nor had he met the observation of another hon. Member, who pressed him to state any general grounds for a qualification such as that proposed. Both these points the right hon. Baronet thought it unsafe to handle, and, in lieu of entering upon them, he had entertained the Committee with a history of an Act relating to the joint parishes of St.Giles's-in-the-Fields andSt.George's,Bloomsbury. The right hon. Baronet could not pretend to say that the uniform practice was in favour of a qualification, as would appear from a reference to Acts passed for the towns of Liverpool and Bristol. If the right hon. Gentleman's proposal were agreed to, the only consolation was, that under the qualification the Clause would be a dead letter, a result, however, which he did not think desirable, and he should therefore oppose the Amendment.

Mr. *Hughes Hughes* said, he was willing to move that the Chairman report progress, and ask leave to sit again, if the Committee were indisposed to hear his reasons for giving his hearty concurrence in the important Amendment of the right hon. Baronet. One objection urged against the Amendment was, that no qualification was required by existing charters. This objection came with a very ill grace from the noble Lord, whose Bill showed little respect for the very charters which he thus affected to quote as perfection. But how stood the matter? Was no qualification for the office of mayor required under the present system? He contended that there was, and of the very best description, that of graduation in office. In Oxford, for instance, a person is first elected common-councilman; he is then eligible for the office of chamberlain; he may then be elected bailiff; and the next step is that of assistant, from among whom the mayor is chosen. Thus an individual is several years before the public, and his conduct open to general observation, before he can be called to take upon himself the office of mayor; whereas, by the present Bill, a rate-payer is one day to be elected of the town-council, and the following day to be appointed mayor. Is it too much, then, to require of such an individual that he shall have some qualification beyond, it may be, the payment of sixpence a-quarter to the poor's-rate. He had already that evening had occasion to state, but he must repeat, that the Corporation of Oxford consists of about ninety members, less than forty of whom could not make a payment out of the city funds; whereas the Bill sought to establish a town-council of thirty-three, of whom eleven should be a quorum, capable of doing every act for which forty were now necessary, and of dealing with the corporation funds as they pleased. The city of Oxford had not borrowed large sums of money, but such was the case with many Corporations; now, he would put it to the Committee whether it was fair to parties who had advanced large sums to present Corporations, in whom they had confidence, to transfer their securities to a new body, furnishing no test whatever of individual respectability, or of their means of meeting any pecuniary penalties they might incur by breach or neglect of duty. In such case, he contended that the creditors ought to be entitled to immediate payment of the monies they had advanced. The noble Lord, the Secretary at War, had stated that where a pecuniary qualification was required for office under local Acts, it was never looked to or insisted on, but his experience had taught him quite the contrary. He would instance the Act passed for the improvement of the town of Ryde, in which he resided. The Act provided that every commissioner should be possessed of an estate in land or houses, within the town, of 1000*l.* value, and no commissioner had been allowed to act until he had made oath to his qualification. The noble Lord the Secretary of State for the Home Department had taunted the right hon. Baronet with having laid no ground, with having used no argument, for establishing the qualification for which he contended. He (Mr. Hughes), in consequence of the impatience of the Committee, had only advanced some of the arguments which occurred to him; he hoped the Amendment would now be carried, but if not, and it should be again brought forward in any after stage of the Bill, he pledged himself to adduce additional reasons in its favour.

The Committee divided on the Amendment: Ayes 204; Noes 267—Majority 63.

Mr. *Goulburn* would suggest the necessity of adopting some satisfactory provision in the case of charitable trustees, before the Clause was finally disposed of.

Lord *John Russell* would take the subject into consideration.

Sir *Robert Peel* would give no opinion now as to the mode in which charitable funds should be disposed of, reserving to himself the right to enter upon that subject in the proper Clause; but he thought, as the present Clause left such funds in hands of the common-council, the head of which was the mayor, who was also returning-officer of the borough, and as the Bill disqualified a person receiving assistance from the charitable trustees of the town from voting for the town-council, but did not disqualify a 10*l.* householder who might receive such alms from voting for Members of Parliament, he was of opinion that charitable funds would be liable to abuse for election purposes. He wished to separate altogether the application of charitable funds from election objects. In acquiescing in the words of the Clause, he was not to be precluded, however, from offering an Amendment, if he should see fit, as to the general disposition of charitable funds, when the proper time arrived.

Lord *John Russell* agreed with the right hon. Baronet as to the propriety of separating the application of charitable funds from Parliamentary elections, but that was not the time to consider the subject.

Captain *Berkeley* moved a proviso, that no person should be qualified to be elected a counsellor or charitable trustee who was a clergyman in holy orders, a licenced dissenting teacher, or an officer in the Customs, Stamps, Excise, or Post-office.

Lord *John Russell* said, that he did not think the proviso necessary, and he therefore felt bound to object to its introduction.

Captain *Berkeley* withdrew the proviso.

Mr. *Wason* suggested that no person who had been a bankrupt should be eligible to be elected a councillor, &c. unless he had paid 20*s.* in the pound.

Lord *John Russell* observed that the 39th Clause contained a provision of that nature.

Sir *Robert Peel* thought that if we reposed so much confidence in the electing body as to fix no qualification for a councillor, on the same principle we ought to allow of the election of a person who had been a bankrupt, if the electors thought the individual had acted with integrity.

The Clause as amended was agreed to.

On Clause 22, appointing the period for electing councillors, being proposed,

Mr. *Grote* wished the House to consider whether they ought to proceed with a Clause so important as this, and that which immediately followed, at so late an hour.

Lord *Stanley* was ready to act as the Committee might desire, and to go on or not, according to its discretion. He would detain the Committee but a very few minutes, for the Amendment which he had to propose was so plain and simple, and its principle was so general, that it was not necessary for him to discuss the matter at any length. He did not propose by this Amendment, to affect in the least the rights conferred on the new body of electors created by the Bill: he did not propose to mix up with the new privileges a reservation of any former rights to cramp their operation; but his object was simply to make provisions, by means of which the constituency enacted by the Bill might be brought to work most steadily and effectually for the good government of boroughs. The old system of municipal government had many and serious vices, among which was the principle of self-election,—a principle not to be justified on any considerations of expediency or sound policy, because under it an entire separation might take place between the feelings, interests, and opinions of the community at large and the governing body, which rendered it an unfit instrument of municipal government; and he therefore held it to be a wise principle of this Bill to make the governing body really and truly represent the opinions and feelings of the people, of whose interests it was the guardian. But the Question was, should the governing body represent as closely as they reflected the interests and opinions of the community—should they also as closely represent, which he feared would be the case, if no alteration were adopted in the Clause, the caprices and prejudices of the body at large? There was at least this advantage about the old system, that in all matters relating to business, there was a body with a character of steadiness and fixedness in affairs of business—a steadiness, permanency, and freedom from caprice, which rendered those who had to transact matters of business with it, able to depend on the adoption of an uniform rule of action in such dealings. Now he thought that in avoiding the vices of the old system new vices might be created, and the constituency might, under the present mode of election, choose a body so capricious and uncertain in its conduct, as to be hardly less unfit to administer the affairs of a borough than the old governing power. He apprehended that if the proposed plan were adopted without modification, something like this would be likely to occur. He did not deny the advantage of the plan proposed by his Majesty's Ministers so far as this—that the whole Council should not be elected at the same time, but that a portion of it should be periodically chosen, for thereby he thought there would be a better chance of the different views and feelings of a borough being justly represented, and less likelihood of the governing body uniformly representing one set of prejudices and opinions. But he thought that if such frequent elections as the Bill proposed should take place, the Council would be liable to adopt a capricious course of action. The towns would be kept in a constant state of electioneering fever. Under the operation of this Bill the corporation would be appointed for a period of three years, one-third of the body having annually to be elected. Now he contended that from the great number of elections consequent on this Bill, the greatest heats, and animosities, and bitterness of feeling, would be excited and constantly kept up. And lest there should not, in the ordinary course of the provisions of the measure, be sufficient disturbance and inconvenience from the interruption of men's avocations, and the unsettling of their minds, it had been determined that upon every death that took place in the governing body, there should be an express and separate election to fill up the vacancy. Only let the House consider the effect which would be produced in Liverpool by these elections—in Liverpool, where there were to be ninety Councillors, and where they might consequently calculate on three deaths annually, and therefore three bitter political struggles. It was assumed by the Government that under the working of the new system, the best men would be selected as members of the governing body, and yet these men they proposed to subject to the constant trouble of re-election, and to the annoyance of a struggle upon every occasion when they may have done anything to affect their popularity. He did not dispute the propriety of giving the rate-payers the entire control over the appointment of the corporate body; but granting this, what possible advantage could there be in calling on the persons elected to appear year after year before their constituents? He thought these frequent municipal elections would be infinitely worse than the constant recurrence of Parliamentary elections, because all the flattery and servility, and so forth, which was not uncommon at elections for Members of Parliament, would come more home to every man in those municipal contests. Besides, he would ask if they were content, as it appeared they were, to give great powers to the corporate body so chosen, could they not rely upon its members for exercising their functions fairly for a longer period than that they proposed to appoint? His ground was this—if they could trust these men at all, they could trust them for a longer period; and by so doing they would secure a governing body with more experience, more uniformity, and more fixity of principle and proceeding than they could hope for under the arrangement originally contemplated. It would relieve the towns, too, from the excitement and injury of such frequent elections, whilst at the same time the community would be enabled to exercise over the governing body that just control which he for one was not in the least degree willing to take away. There were two modes by which his object might be carried into effect. The first was to make the elections triennial, and cause half the governing body to go out at that time, or the same effect might be produced by making the elections biennial, and this might be done without altering the other parts of the Clause. The latter course he should adopt. He should have been himself disposed to propose a longer period than two years, but this shorter time he proposed with the hope of gaining the support of some hon. Members who might be inclined to go thus far with him. He had promised the House not to trouble it for more than a very few minutes, and he would keep his word. He concluded by moving, that after the word "every" the word "succeeding" be struck out, and the word "alternate" be put in its place—that is, he altered the Clause so as to declare that one-third part of the Council should go out of office every second year, instead of every year, as was proposed in the Bill.

Sir *John Hobhouse* could not help thinking that the arguments of his noble Friend told against himself. He thought that the greater the power they intrusted to these individuals the greater should be the hold they had on them. For his own part, he thought the elections should be as frequent as was consistent with the peace of the towns, so that the people might have the power of removing men in office for malversation or incapacity. He denied that elections would perpetually produce disturbances. If he thought so, he should be against the Bill altogether. He would refer to the annual elections in the city of London to support his view. The Common-Councilmen were elected every year, but there were no disturbances produced by those elections. He did not think the noble Lord had, in any point of view, proved the necessity of his Amendment. He doubted the effect of the annual elections producing annual troubles: and even if they did, he considered that they would be cheaply purchased by the control of the community over the governing body. The Bill was purely popular, and founded on a popular basis. He was happy to find accordingly that the right hon. Baronet's proposition, which was restrictive in its nature, had been rejected; and he hoped that his noble Friend's Amendment, which was also restrictive, would be rejected in like manner. It was restrictive of the rights of the constituent body; and although the noble Lord and the right hon. Baronet might be right, viewing the measure as they did, yet he would contend that on the other side, thinking as Government did, it was right in refusing to accede to the Motion.

Mr. *Sheil* was understood to ask, why the noble Lord had not made a similar proposition with respect to the provisions of the Scotch Burghs' Bill, which was brought forward when the noble Lord was in power? Men in power changed their opinions, and might now be Conservatives although some four years ago they were excellent Reformers.

Mr. *Brotherton* supported the Clause. He was of opinion that the elections would be peaceful, and that the people would elect only those in whom they had confidence.

Mr. *Scarlett* observed, that there would be great anxiety for office in large towns, where 25,000*l.* or 30,000*l.* a-year was held for charities. In those towns there would be frequent contests and great disturbance and injury caused thereby.

Mr. *Goulburn* denied, that he and his Friends were departing from the popular principle because they did not approve of having elections every year. If the right hon. Gentleman thought their annual municipal elections so good, why did he not on the same principle support annual Parliaments? Was it not equally necessary that the conduct of a Member of Parliament should be annually subjected to the approval of his constituents, as that a member of the Town Council should be put to a yearly election. Under the system proposed, there would be elections every three months, and every man's occupation would be interfered with by the constant canvassing and excitement which would be going forward.

The Committee divided on the Amendment—Ayes 176; Noes 220; Majority 44.

## *List of Noes.*

Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston Rowland
Andover, Lord
Anon, Sir George
Astley, Sir J.
Attwood, T.
Bagshaw, J.
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Baring, Francis
Barnard, Edward G.
Barham, John
Bannerman, Alex.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Benett, J.
Berkeley, Hon. F. C.
Bewes, T.
Blake, Martin Jos.
Blackburne, John
Blamire W.
Blount Sir C.
Biddulph, Robert
Bodkin, J. J.
Bowes, John
Bowring, Dr.
Brabazon, Sir W. J.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bulkeley, Sir R. B.
Buckingham, J. S.
Buller, Charles
Butler, hon. Pierce
Byng, George
Callaghan, D.
Cayley, E. S.
Carter, J. B.
Campbell, Sir J.
Chalmers, P.
Chapman, M. L.
Chichester, J. P. B.
Clay, W.
Clayton, Sir W.
Clive E. B.
Cavendish, hon. C.
Cockerell, Sir C. Bt.
Codrington, Sir E.
Collier, John
Cooper, W.
Crawford, W.
Crawford, W. S.
Curties, Herbert
Dalmeny, Lord
Denison, John E.
Denistoun, A.
Dillwyn, L. W.
Divett, Edward
Dobbin, L.
Donkin, Sir R.
Dunlop, C.
Dundas, hon. T.
Dykes, F. L. B.
Ebrington, Lord
Elphinstone, L.
Euston, Lord
Evans, George
Ewart, W.
Fazakerley, J. N.
Fellowes, hon. N.
Fergus, John
Ferguson, Gen. Sir R.
Ferguson, R.
Fielden, J.
Finn, F.
Fitzroy, Lord C.
Fitzsimon, C.
Fitzsimon, N.
Folkes, Sir W. J. H.B.
Fort, J.
French, F.
Gaskell, Daniell
Gillon, W. D.
Goring, H. D.
Gordon, Robert
Grattan, James
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Hall, Benjamin
Handley, Henry
Halleyburton,hn.D.G.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hay, Col. Leith
Heathcote, G. J.
Heathcoat, John
Heneage, Edward
Hector, C. J.
Hindley, C.
Hobhouse, Sir J.
Holland, E.
Hodges, T. L.
Hoskins, K.
Howick, Lord
Howard, Philip H.
Hurst, R. H.
Hutt, W.
Hume, J.
Jervis, John
Kemp, Thomas R.
Kerry, Earl of
King, Edward B.
Labouchere, Henry
Langton,W. Gore
Leader, John Temple
Lefevre, Charles S.
Lister, E. C.
Loch, James
Locke, Wadham
Lushington, Dr.
Lushington, G.
Lynch, A. H. S.
M'Cance, John
Maher, John
Mackenzie, J. A. S.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marsland, H.
Martin, Thomas B.
Marshall, William
Maule, C. Fox
Marjoribanks, S.
Maxwell, John

Milton, Viscount
Molesworth, Sir W.
Moreton, hon. A. H.
Morpeth, Viscount
Morrison, James
Mostyn, hon. E. L.
Murray, J. A.
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. Smith
O'Connell, D.
O'Connell, Maurice
O'Connell, Morgan
O'Connell, J.
O'Connell, M. J.
O'Ferrall, M.
Oliphant, Lawrence
Ord, William
Oswald, J.
Paget, Frederick
Parnell, Sir H. B. Bt.
Parer, John
Parrott, J.
Pattison, James
Palmerston, Lord
Palmer, Gen.
Pease, J.
Pelham, hon. A.
Pendarves, E. W.
Pechell, Capt.
Perrin, Louis
Phillips, Mark
Phillipps, Charles M.
Ponsonby, W.
Ponsonby, hon. T.
Potter, R.
Poulter, J. S.
Power, P.
Power, J.
Poyntz, W. Stephen
Price, Sir Robert Bt.
Ramsden, John C.
Rice, Right hon. T. S.
Ridley, Sir M. W.
Rippon, C.
Roche, David
Roche, W.
Roebuck, J. Arthur
Robarts, Abraham W.
Robinson, G.
Ronayne, D.
Rooper, J. Bonfoy
Rolfe, Sir R. M.
Russell, Lord John
Russell, Lord
Russell, Lord Charles
Rundle, J.
Ruthven, E. S.
Ruthven, E.
Scholefield, J.
Scourfield, W. H.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard L.
Simeon, Sir R. G. Bt.
Smith, Robert V.
Smith, hon. R.
Speirs, Alexander
Speirs, A. G.
Spry, Sir S.
Stewart, R.
Stuart, Lord D.
Stuart, Lord James
Stewart, Patrick
Strickland Sir G.
Strutt, E.
Talbot, J. H.
Talbot, C. M. R.
Talfourd, T. Noon
Tancred, H. W.
Thomson, C. P.
Thompson, Col.
Thornely, T.
Tooke, W.
Townley, R. G.
Tracey, Charles H.
Trelawney, Sir W.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Tynte, C. J. Kemys
Vigors, N. C.
Villiers, Charles
Vivian, J. H.
Vivian, Major
Wakley, T.
Wallace, Robert
Walker, C. A.
Walker, R.
Walter, John
Warburton, H.
Ward, H. G.
Wason, R.
Westenra, hon. H. R.
Wemyss, James
Wigney, Isaac N.
Wilbraham, George
Williams, W. A.
Williams, W.
Wilde, Sergeant
Williams, Sir J.
Wilson, Henry
Wilks, John
Winnington, Capt. H.
Wyse, Thomas
Wood, Charles
Wrottesley, Sir J. Bt.

TELLER.

Stanley, E. J.

Clause agreed to. The House resumed. Committee to sit again.

## HOUSE OF LORDS,

### *Wednesday, July* 1, 1835.

MINUTES.] Bill. Read a third time:—Dominica Relief.

Petitions presented. By the Earl of VERULAM, from several Parishes in Hertfordshire, against being united with Hitchen under the Poor-Law Amendment Act.—By Lord YARBOROUGH, from Bendbridge, for an Alteration in the Smuggling Law.

WRIT OF CERTIORARI—BAIL.] The Duke of *Richmond* wished to ask his noble and learned Friend on the Woolsack, whether it was not desirable that the law should be amended with respect to the removal of indictments from inferior Courts into the Court of King's Bench, so far as related to the taking of bail on such removals. When a man was indicted at the Quarter-sessions, and the Magistrates took bail for his appearance, they might, according to the rank in life of the offender, and according to the nature of the offence, require bail from him to the amount of 300*l.* or 500*l.* If that very indictment was removed by *Certiorari*, he believed that it was the practice of the Court of King's Bench—and, as he understood, the practice was regulated by Statute—to call on him to give bail for only 20*l.* or 30*l.* It seemed to him that that practice was most objectionable; for it gave a great advantage to the rich man, and afforded him the opportunity of leaving the country; for though the Magistrates might have bound him by a sum sufficient to secure his appearance, he might, by going to the small expense of removing the case by *Certiorari*, get his bail diminished in amount to a very small sum, and might then afford to go off, and pay his sureties for the loss they had incurred. He wished to ask his noble and learned Friend whether this law did not require alteration, and if so, whether it would not be proper to insert the alteration in the Bill relating to prisons, now before their Lordships.

Lord *Denman* said, that in his judgment, the alteration suggested by the noble Duke would be a great improvement. Under the present law there had been great evasion of public justice on account of the smallness of the sum required for bail on the removal of an indictment by *Certiorari*, since in such a case it was obvious that a person charged with any heavy offence, and who felt a consciousness of guilt, being aware of so light a penalty being attached to his evasion, would be almost sure to incur that forfeiture and fly the country; and in late years there had been one or two examples of heinous offenders adopting such a course. With respect to cases to be tried at the assizes, the Magistrates, in the first instance, usually required 50*l.* bail, and the Judges of the Court of King's Bench afterwards exercised their discretion, and increased the amount as they deemed it necessary. They ought to have the same power in cases of indictments removed by *Certiorari* from the Sessions, so as to proportion the amount of the bail to the nature of the offence and the probability of the conviction. They had not, however, any such power. He approved of the proposed alteration, and he did not think that the Prison Discipline Bill would be an improper occasion to introduce a matter so much connected with the administration of the justice of the country. Perhaps, however, this matter might not be fully considered on this hasty discussion, and other points of view relating to it might be presented to their Lordships. He did not think that that was likely to be the case in the present instance, but if the noble Duke inserted the Clause in the Bill, he would do all in his power to make it fully known to those noble Lords who were likely to take part in such a discussion.

Lord *Brougham* quite agreed that the proposed alteration, or something like it, should be made. The Question was, how far in cases of motions for *Certiorari* the Court should have the discretion to refuse or to grant them. A prosecutor might now remove an indictment as a matter of right, but the defendant could not do so without showing that he had good grounds for making the application. He did not see why the Court should not be able to grant or refuse a *Certiorari* to either party under peculiar circumstances, and with the view of enabling the Court to impose terms on the party.

Lord *Denman* said, that the matter just referred to by his noble and learned Friend showed how many points might arise on a discussion of this sort, and how much the subject required to be treated with due consideration. It was true that a prosecutor might remove an indictment as a matter of course. He thought that that practice should be altered, for, as it now existed, great injustice might be committed, for a defendant might have his witnesses ready at the Sessions, and just as he was going to trial, the prosecutor might lay a *Certiorari* on the Table, and put off the trial for an indefinite period, and at great expense and inconvenience to the other side. Perhaps the two matters together were sufficiently important to form the subject of a separate Bill. The Judges of the Court of King's Bench had lately been considering whether they could not make a rule on the subject, but they had some doubt how the purpose they had in view could be fully effected by a rule. It could be fully effected by an Act of Parliament.

Lord *Brougham* said, that the Court of King's Bench was not wholly deprived of discretion in those cases, for even after a *Certiorari* had been granted if the Court saw reason to believe that it had been obtained for the purpose of oppression it might stay the proceedings, and so defeat the object of the party obtaining it.

The Duke of *Richmond* observed, that his intention had been limited to drawing the attention of the law Lords to this important subject. He believed that the present practice was productive of much injustice, for he knew a case where a defendant charged with an indecent exposure had, by the order of the Magistrate, found security for 500*l.*, but he removed by *Certiorari*, and in the Court of King's Bench he gave only the statutable security of 20*l.*, whereupon he fled the country and avoided justice.

The Subject dropped.

## HOUSE OF COMMONS,

### *Wednesday, July* 1, 1835.

MINUTES.] Bill. Read a second time:—Property in Infants (Ireland), Marriage Act Amendment; Linen Trade (Ireland).

Petitions presented. By Mr. O'CONNELL, from several Places, against Tithes in Ireland; from Dublin, against any Alteration in the Timber Duties; from King's County, for Altering the Laws regulating the Registration of Voters; from Chichester, in favour of the Municipal Corporations' Bill; from the Letter-Press Printers of Dublin, for Better Payment of Government Work.—By Sir ROBERT BATESON, from the Presbyterians of Aghadowry, for giving to all Ministers of the Synod of Ulster, an equal Share of the *Regium Donum*; from the Linen Merchants and Bleachers of Londonderry, for Renewing the Linen Trade (Ireland) Act.—By Mr. HINDLEY, from Rochdale, for Amending the Factories' Regulation Act.—By Mr. JAMES OSWALD, from Glasgow, against the Registration of Births' (Scotland) Act.—By Mr. FORBES, from a great Number of Places, for Protection to the Church of Scotland.

CORPORATION OF DUBLIN.] Mr. *O'Connell* presented a Petition from inhabitants of Dublin, praying for an immediate Municipal Reform in Ireland. The hon. Member stated that the Report of the Commissioners showed that the judicial duties of the Mayor of Dublin were farmed—that the Presidency of the Court of Conscience was farmed, and that the Sub-Sheriffs farmed their officers by paying from 1,200*l.* to 1,500*l.* a-year. He likewise asserted that although the Corporation had denied any right to freemen, they had lately registered more than 100 persons on that ground.

Mr. *Shaw* did not believe that the Mayor's judicial duties were farmed, and he was sure that the arrangement of the Sheriffs could not be fairly termed farming. The Corporation had indeed admitted persons to their freedom on the grounds of birth and servitude, but they claimed the exercise of discretion in conferring the right. He also took the opportunity of informing the House, in opposition to what had been said by the hon. and learned Member for Dublin on a former night, that his (Mr. Shaw's) father was not foreman of the Grand Jury which had ignored certain bills for bribery—Mr. Stubbs was the foreman of that Grand Jury, his father had nothing to do with it.

Mr. *O'Connell* asserted positively that he was correct. He would tell the House how the hon. and learned Gentleman was wrong. The Bill of which he had spoken was not sent to the usual Grand Jury, but to the Grand Jury of the county of Dublin. He had a certified copy of the panel of the jurors. The Bill had been found under the statute called Lord Plunket's Act, and this certified copy of the panel contained the name of Sir Robert Shaw, and he certainly was on the jury.

Mr. *Shaw:* He certainly was not.

Mr. *O'Connell* said, that the obstinacy of the hon. and learned Gentleman was no proof. He had the document he referred to, and would produce it to-morrow. The hon. and learned Gentleman then proceeded to read some papers, proving that the office of Mayor, the Chairman of the Court of Conscience, and the offices of Sub-Sheriffs in Dublin were farmed out, and that freemen were admitted, not of right, but of the special grace of the Corporation.

Colonel *Perceval* rose, to call attention to the case alluded to the other night, respecting Mr. Hudson. The fact was, that there were two gentlemen employed as counsel by the hon. and learned Gentleman (Mr. O'Connell), Mr. Hulton, and Mr. Hudson. He had received a letter that morning from a Mr. Edward Maguire, in Dublin, and to whose respectability he had no doubt the hon. and learned Member himself would bear ample testimony. That letter would show the House the nature of the quibble between the names of Hulton and Hudson. The hon. and gallant Gentleman then proceeded to read the letter, which stated that Mr. Hulton was followed by Mr. Hudson, as counsel for Mr. O'Connell, on more occasions than one.

Mr. *O'Connell* repeated that Mr. Hudson had refused to act as his counsel, but he had lately heard that after that refusal he did act as a matter of courtesy for a day and a half, until Mr. Hulton was retained. He was not aware until lately that Mr. Hudson had even so far relaxed his positive refusal to be professionally engaged for him (Mr. O'Connell).

Petition to lie on the Table.

WOLVERHAMPTON INQUIRY.] Lord John Russell presented copies of the minutes taken before Sir F. Roe, at Wolverhampton.

Sir *Henry Hardinge* said—having previously communicated to the noble Lord my intention of putting a question to him on this subject, I shall take the opportunity of doing so at once. It will be in the recollection of the House that when the matter was last before it, certain reflections were cast upon the military in reference to their conduct at Wolverhampton, and that the noble Lord was induced by these reflections to change his original intention of having no inquiry, and to institute an inquiry, of which the papers he has just laid on the Table are the result. I shall not press the noble Lord to give an immediate answer to the question which I am about to put; but I must express my opinion that it is desirable for the maintenance of due discipline in the army that men who have been made to labour under disadvantages such as those under which the military engaged at Wolverhampton are now labouring, should be allowed to remain exposed to them for as short a time as possible. I would also say that I think it incumbent on the executive Government of the country not to allow the House of Commons to usurp their functions, but to give an opinion of their own upon a matter such as this. I trust, therefore, that the noble Lord will at some period give me an opinion on the part of the Government as to whether the Government are satisfied or dissatisfied with the conduct of the military at Wolverhampton.

Lord *John Russell*: In moving that the minutes of evidence which I have just laid on the Table be printed, I shall anwer the question which the right hon. Gentleman has put to me. It is quite true that this inquiry was instituted in consequence of a wish, and what appeared to me to be a very general wish, expressed on the part of the House. I stated at the time that the inquiry was an unusual one, and that objections might be urged to such a course of proceeding, but that at the same time the wish of the House appeared to me so manifest, that I thought it my duty to agree to it. The inquiry accordingly was instituted; Sir Frederick Roe proceeded to Wolverhampton, and with that knowledge of evidence, and with that judgment in points such as those which were likely to be brought before him, for which he is so remarkable, he conducted it, I believe, to the satisfaction of the inhabitants of that town. On his return to London he informed me that there was one part of the inquiry into which he had not gone fully—namely, that respecting the conduct of Captain Manning in dividing his troop, amounting to about thirty men, into small bodies for the purpose of patrolling. He informed me that he considered that to be a military matter, and one on which it was not competent for him to enter. In consequence of that communication, in order that Captain Manning might not want the means of stating every thing which he desired to state in reference to the part which he had performed at Wolverhampton, I wrote to the Commander-in-Chief, requesting that I might obtain information on those points which Sir F. Roe had not thought it his duty to investigate. I received an answer from Lord Hill on the following day, containing the replies of Captain Manning to the questions put to him on the execution of his duty as a military man. I consider that this inquiry has been undertaken at the wish of the House of Commons, and I now merely lay both the whole of the evidence taken before Sir Frederick Roe, and the answers of Captain Manning, before the House; but if it be thought necessary by any Member of the House to raise any further question upon the subject, I shall then be prepared to give the reasons on which I ground the decided opinion which I entertain, and which I now express, that the conduct of the military at Wolverhampton was marked by a most commendable forbearance and a most correct judgment. I will not pretend to say (for there is a quantity of contradictory testimony in this vast mass of evidence) that among the thirty men there may not have been one or two who did not act with that complete control which was observable in the body generally; but that is simply matter of doubt, and as such alone I mention it. It may possibly, I repeat, be the case, that one or two men may not have acted with that complete self-control which is desirable on all such occasions; but with regard to the conduct of the troops in general, and with regard to the conduct of the commanding officer, I think that those who read this evidence will be of opinion, that being called on to perform a most painful and difficult duty—a duty which the military would not on any occasion seek, but which they are called on to perform for the support of the civil power and the tranquillity of the country—they did perform that duty in such a manner as at once to obtain the result of preventing the peace of the town from being seriously disturbed, and of preventing the occurrence of injury to property and life, and at the same time to exhibit the utmost forbearance towards those whom they were directed to disperse. I move now that these papers be printed.

Sir *H. Hardinge*: I am sure that the House and the public, and the profession to which I have the honour to belong, will entertain the universal feeling that nothing can be more satisfactory, more manly, and more straight-forward than the explanation of the noble Lord.

Mr. *Villiers* said, he could not help thinking that, before so confident an opinion had been expressed by the noble Lord with respect to the evidence which had just been laid upon the Table, and before the hon. Baronet had complimented him for so doing, that it would have been more satisfactory to the House if time had been allowed for Members to have read the evidence themselves. He (Mr. Villiers) was not in a situation now, more than upon the last occasion when he addressed the House, to say whether the noble Lord was justified in the opinion that he had expressed respecting the conduct of the soldiers, and therefore he could merely say that, judging from the only evidence that had as yet been before the public, he did not think the terms "commendable forbearance" did entirely apply to the conduct of the soldiers during the late disturbance.

An *Hon. Member*, as a personal friend of Captain Manning, could state it to be the wish of that Gentleman that the evidence should be as soon as possible in the hands of hon. Members, in order that a decision might be formed upon his military conduct.

Mr. *Walter* observed, that having the honour of Captain Manning's acquaintance he would venture to assert that a more humane, considerate, and prudent man did not exist.

Motion agreed to.

IPSWICH ELECTION.] Mr. Sergeant *Jackson* said, that Dr. Farr and another medical gentleman were in attendance to give evidence upon the state of Mr. O'Malley's health. It had been endeavoured to obtain the attendance of Sir Astley Cooper, but that had been found impossible. The learned Sergeant then moved that Dr. Farr be called in.

The Motion was agreed to, and Dr. Farr appearing at the Bar, stated, in answer to a question put to him, that he had attended Mr. O'Malley professionally since 1831; that the constitution of that gentleman was then remarkably feeble; that he had lost one eye by disease, and was in danger of losing the other; being under the influence of an idiopathic disease, which was dangerous to the constitution; that he had seen him that day, and found him suffering evidently from confinement, and was of opinion that he would continue to suffer, and that his life would be brought into danger if further confined; that in 1832 he had found it absolutely necessary to order him to leave the atmosphere of London, and had recommended him to go to Madeira or Italy; and that, in short, his constitution was very fragile.

[*The witness withdrew; and amid cries of "Move!"*]

Mr. Sergeant *Jackson* rose, and asked if it were the wish of the House that any other medical gentleman should attend? He would then at once move that Mr. O'Malley be called to the Bar, and discharged on payment of his fees.

Motion agreed to.

CHURCH—(SCOTLAND). ADJOURNED DEBATE.] The Order of the Day for the Adjourned Debate on this subject having been read,

Lord *John Russell* rose for the purpose of moving an Amendment to the Motion which had been made on a former occasion. I shall not (said the noble Lord) enter into the consideration of the various arguments which may be adduced on one side or on the other of the Question involved in it; but I wish to address the House, in consequence of communications which I have had with various parties to whom the question is one of the greatest importance—both those who urged the propriety of this grant to the Church of Scotland, and those who have felt the strongest objections to its being made. I have the satisfaction of stating, that both parties appeared to me to be perfectly willing to have a full and fair inquiry into the subject, and quite ready to abide by the result of facts accurately ascertained, and that they were both willing that this inquiry should be conducted by a Commission,—the one party seeming to think it better than a Committee, and the other seeming to think it quite as good and effectual. A difference appeared to arise between the two parties on this point—those who were seceders from the Church of Scotland said, that they had been unjustly and unfairly omitted from the accounts which had been made of the population now able to attend divine worship. Whether such may be the case or not, those who appear on the part of the Church of Scotland in this metropolis, and who lately presented an Address to his Majesty on the throne, are perfectly willing that an account should be taken of all the means and opportunities of public worship which are afforded; so that in this material point there does not seem to be any difference between the two parties. There is, however, a question—partly of fact and partly of principle—which still remains to be decided. Those who are in favour of this grant urge, that when you have taken into account all those means of accommodation which the Established Church of Scotland is able to afford, and when you have added to them those means of worship and means of instruction which are now afforded by the seceding or dissenting ministry, there remains still a large mass of the population to whom no sufficient religious instruction is afforded, and by whom the means of religious worship, if they are to be at all obtained, are to be obtained only at a price—at a sacrifice of money which the poorer classes are unable to make. The statement of opinion which, no doubt, will always be made by those who dissent from the Church, and who disapprove of any establishment, is, that religion will never flourish so well as when left to the voluntary support of those who may be inclined to attend divine worship. On that question of principle, I do not wish to enter; for I can give but one opinion—I can hold but one doctrine on that subject—namely, that a Church Establishment affords the best means of diffusing and promoting religious instruction. I think it our duty, as a Government, to maintain that principle, and to uphold the Church Establishment which is founded on it. There is, then, another question remaining, the issue of which depends, however, on certain facts, which should be correctly ascertained before Parliament comes to a final decision upon it. If it be true —and I will not now pretend to dispute the point with those who are acquainted with the state of circumstances so much better than myself,—if it be proved that there is a large mass of the population to whom the means of religious instruction are not afforded, either by the Church or by those who dissent from it, there remains, then, the question, whether you are obliged to supply that deficiency by an immediate grant from the public funds, or whether there exist the necessary means which are now by law, or which may become by law, available for the purpose of the Established Church. I think that it is impossible for us, as Ministers, to come to Parliament and propose any grant of money until the facts upon which the decision of that question ought to depend shall be clearly settled; and therefore, in my opinion, the proposition of the right hon. Gentleman, which was supported by the right hon. Baronet, the Member for the county of Edinburgh (Sir George Clerk), is defective in this—that it does not propose the means of entering into an inquiry with the view to effect that settlement. That right hon. Baronet stated, that the inquiry would be short and easy; that it would be sufficient to have the Committee for a week or ten days; that a Report might then be made, which would satisfactorily prove the case of the petitioners who had asked for the grant. I must fairly tell the right hon. Baronet that I do not think an inquiry of that kind would be satisfactory; I think that if the inquiry were to be conducted for a week or ten days, and only the partial case of those who ask for the grant were heard, and if we then proceeded to yield that grant, we should act against the wishes of a great part of the people of Scotland, who would say that the evidence which they were prepared to adduce not being heard, we had come to a decision partially and unfairly, and after considering only one side of the question. It is for reasons of this kind, I believe, that those who are most earnest for this inquiry are, at the same time, desirous that it should be conducted in such a manner as may satisfy all parties; and that object will, in my opinion, be best attained by the appointment of a Commission, to whom the conduct of it shall be intrusted. It may be urged as an objection, that the Commission might extend its labours to an inconvenient length; but that will be obviated by arranging that they shall report from time to time; that their Reports shall be laid before Parliament, and that as soon as Parliament and the Government shall have considered them, and ascertained that a remedy is required, and settled the nature of that remedy, they shall proceed at once to act upon them. I shall therefore propose to the right hon. Gentleman (Sir William Rae) to withdraw his Motion, and my right hon. Friend (the Lord Advocate) that he withdraw his Amendment, and that the following proposition be substituted in its stead:—"That a humble Address be presented to his Majesty, praying that his Majesty will be graciously pleased to appoint a Commission to inquire into the opportunities of religious worship, and means of religious instruction, and the pastoral superintendence afforded to the people of Scotland, and how far these are of avail for the religious and moral improvement of the poor and of the working classes, and with this view to obtain information respecting their stated attendance at places of worship, and their actual connexion with any religious denomination; to inquire what funds are now, or may hereafter be, available for the purpose of the Established Church of Scotland; and to report, from time to time, in order that such remedies may be applied to any existing evils as Parliament may think fit." I have communicated this Motion, in the terms in which I have drawn it up, to some persons of great eminence in the Church of Scotland, who have been most anxious that the grant should be procured, and they have expressed their concurrence in it. I think that if they concur in it—if there be no objection made to it on their part who belong to that religious denomination which composes the Established Church—there ought to be an equal concurrence on the part of others, the object of all being the same. I trust, therefore, that there will not arise on it much debate, and that the House will not be pressed to a division on it. He proposed that the Amendment of his learned Friend, the Lord Advocate, should be withdrawn.

Amendment withdrawn, and Lord John Russell's Motion as an Amendment on the original Motion put from the Chair.

Mr. *Cumming Bruce* was not sure that he could agree to the Amendment which the noble Lord proposed to substitute, though the spirit in which it was introduced was much less objectionable than that which breathed in the speech of the Lord Advocate, in introducing his proposal for a Commission. There was no distinct mention of theEstablished Church. He disapproved also of the reference to present or future means which are or may be applicable to the support of religion. This was an attempt to throw a firebrand in between the landlords and the Church. It would not succeed. But he disapproved of the attempt. He must say that after the speech on Friday last, of the noble Lord, the Secretary for Ireland, he felt less disposed to place confidence in any proposal of the Government which professed to proceed on the ground of attachment to the Established Church. He had admired the tone, and cheered the beautiful periods of that noble Lord's speech, in which so strong an attachment was declared for the principle of an Establishment, that it should be extended so that the wayfaring man might hear of it and rejoice. But what was the fulfilment of this magnificent promise? What the miserable surperstructure raised on this grandiloquent foundation? Why a *5l.* stipend, paid to a minister, perhaps distant and inaccessible. The word of promise given to the ear was broken to the sense. Then he could not altogether separate this new proposal from that of the Lord Advocate, and the spirit in which the learned Lord introduced it—a spirit which seemed to declare war to the knife against all establishments in religion; therefore, he should much prefer the original Motion of his right hon. Friend, the Member for Bute. He regretted the length of the Adjournment that had taken place, by which the powerful effect of the very able speech of his right hon. Friend, in introducing his Motion, had been in some degree lost, and he feared he had not the power necessary to restore it. The Church and people of Scotland had reason to rejoice that the Question had been taken up by one so able and so qualified to do it justice, as the right hon. Member for Bute. After the statements he had made, and the facts he had adduced in support of them the other night, he had hoped that the Motion with which he concluded would have obtained the unanimous concurrence of the House. In that he had been disappointed. Undeserved imputations—a factious, and to him an unintelligible, clamour, out of doors, had conjured up round the great and good object which this Committee had sought to promote, the mists of party and sectarian animosity; and he regretted to find that, even in that House, there were some unable, through such a medium, to see the objects presented to them in their true colours. The hon. Member for Falkirk, said it was a Tory job, for it was promoted by the Tory Clergy of the Church of Scotland; and he called for its entire rejection. His right hon. Friend appealed to the number of petitions in its favour, signed by persons of all shades of political opinions.—The learned Lord, with some sly insinuations of the efforts used by that same Tory Clergy to obtain signatures those petitions, wondered we had not had more of them; he thought we might have expected one at least from every parish—he cited with exultation the number of petitioners on the other side, and he concluded with his extinguisher of a Commission—an extinguisher which certainly the speech to night of the noble Lord, the Member for Stroud, had done something to remove. Now, the opposition of both those hon. Members originated in the same profitless spirit of party, He preferred the unscrupulous, straightforward, and irrational opposition of the hon. Member for Falkirk, to the measured and insidious Commission of the learned Lord. But he deprecated altogether the introduction of party spirit into this discussion—because he knew its power in disturbing the accuracy of our perceptions. Hon. Gentlemen, under its influence, had been known to lose the power of distinguishing a nobler and more powerful spirit—the spirit of colours, and to vote that black was white, and white black. But he implored the House to call to the consideration of this Question Christian benevolence—that for once they might discuss a great national interest impartially. They would then consider it in the same spirit in which the right hon. Baronet, the late head of the Government, had advised his Majesty to call their attention to the subject—that spirit of disinterested and wise patriotism which had shed its halo round every proceeding of his short, but splendid administration. Now, if he thought that the connexion between Religion and the State was injurious to both—or that the voluntary principle was sufficient for the religious instruction of the people, he should be the last person to advocate the claims of these petitioners; but the reverse was the fact. He would not now enter into the scriptural argument, for which this House was not, perhaps, the fittest tribunal, and which was not necessarily raised by this Motion. Whenever such a Question was fairly brought forward, he should be prepared to contend, that on every ground of scripture, and reason, and experience—of every age and all countries - the State which neglected to support the cause of religion, neglected its first duty to its subjects, and, above all, to that Almighty Being on whose favour alone the prosperity of nations rested. It was not, therefore, from any disrespect to those who opposed the Motion on those more general grounds, as to save the time of the House, that he should confine himself to those who opposed it on much narrower, though less consistent, grounds. They professed to be favorable to the principle of an Establishment; but held that in Scotland it was sufficiently extended. The Question then between them was resolved into an issue of facts. Now, all his right hon. Friend sought was, an inquiry into the facts. The allegation of these petitioners was, that the Church was not sufficient for the religious instruction of the people, and it puzzled him to understand with what consistency, in the face of such an allegation, so vouched, those who professed friendliness to the Establishment could refuse the inquiry. But the House could never disregard allegations of those petitioners which were of a nature to force themselves on their immediate attention. They asserted that the population of Scotland had far outgrown the means which, sufficient, perhaps, at an earlier period, the State had provided for the religious instruction of the people:—that in our towns, rising every day into increased importance, large numbers were growing up in utter ignorance and disregard of divine truth. They assumed that without a knowledge of that truth there could be no efficient restraint on the bad and selfish passions of man—and they announced the fearful fact, that a great class of the community—a class below the reach of the voluntary system—a class in which this want of religious instruction was least likely to be counteracted by the habits of society, or by a purely intellectual education—was fast lapsing into a state of absolute heathenism. Now it was said, the Dissenters and the voluntary principle had done much to remedy the evil; but if this were sufficient, how had this state of things, so dangerous to the very existence of well-ordered society, been allowed to gain its present strength and proportions? He was as willing as any one to acknowledge that much had been done by the voluntary zeal both of Churchmen and Dissenters, to arrest the torrent of reckless infidelity which threatened, if not arrested, to sweep them from their hold. But, in itself, the method of leaving the religious instruction of the humbler classes to the voluntary zeal of individuals, or to their own zeal, could not but fail, because it rested on the basis of a voluntary contribution from each individual; and such contribution the humbler classes, even if they were willing, were unable to make. But they were not willing. The natural man was enmity against God; and precisely in proportion to a man's ignorance of religion would be his disinclination to make any sacrifice to obtain a knowledge of it. The State, then, which recognized the aid which the cause of order and the restraints of law derived from the sanctions of religion, was doubly bound to interfere: first, in aid of the want of ability in the well-disposed, and, next, in resistance of the disinclination of those—the great majority—who, till their reason and their conscience were awakened, cared for none of those things; and especially it was bound to remove out of the way the stumbling block of a preliminary demand for money before a poor man could enter the church. It was bound to remove this in the mere interests of peace and order and submission to Government, and obedience to law. To say that such interests were involved, was at once an answer to that absurd clamour about the injustice of taxing Dissenters for the support of the Church. If the object to be attained—the religious instruction of the people—was of general benefit to the community, and if in no other way it could be attained, then that objection had no ground on which to stand. The system of paying all sects, adopted in France, was far less available for the promotion of truth, than the system which obtained in this country, and it was evident from the example of America, that the voluntary system had utterly failed. If the population went on in that country increasing at its present ratio, if no more effectual means were devised for the propagation of Christianity than at present, such was the spread of infidelity, that in less than fifty years the federated republic would contain upwards of 20,000,000 of infidels within its territory. But the hon. Member for Falkirk asserted, that in Scotland there was already an excess of churches. Why, if true, which he doubted, it only proved what the Clergy of the Church of Scotland asserted, that the mere existence of churches was not sufficient for the purpose, unless they were endowed so that they might be applied to the neglected localities of the town and country parishes on the only system by which churches could be rendered extensively useful for the civilization and benefit of society—the system of parochial subdivision, by which the labours of the clergyman should be confined to a particular district, out of which it should be his duty to gather his congregation. The Church of Scotland came to the House, not as a suppliant, but in the high attitude of a national benefactor, offering a large voluntary subscription in aid of a national object. She gave this substantial proof of the reality of her convictions, that increased means of religious instruction were required; and such an offer, proceeding from such a party, would warrant an immediate grant to the extent sought for. He was unwilling to say any thing unfavourable of any class of his countrymen; but there had, in recent instances, been exhibitions of reckless irreligion in large assemblages of Scotchmen, which no rightly constituted mind could contemplate without feelings of the deepest regret. Now, that recklessness, that irreligion, was not a peculiar element in the character of his countrymen; it was a natural element in human nature, but it was sufficient for him to know that it existed, to make him anxious, above all things, to apply to it that corrective power which he knew to be within his reach. That power existed in the proper application of the parochial system. At present the population of our larger parishes was beyond the limit of efficient moral cultivation, and the disheartening conviction that it was so, paralyzed the exertions of those who on a more practicable field would efficiently discharge their duties. The ill effects of this excess of population over the means of instruction were not confined to the individuals composing that excess, for every one of them was as a centre from which the principles and practices of infidelity radiated to corrupt and poison the mass of Christianity around them—thus adding incalculably to the labours of the minister—so that by every individual whom the State knowingly left uninstructed, it was, in fact, undoing with one hand what it professed to be endeavouring, by its limited Establishment, to effect with the other. This was not only inconsistent and absurd, but in the highest degree unjust, especially to the clergy; for you charged their want of success in christianizing the people as proof of the selfishness and inefficiency of the Establishments, while you rendered success impossible by your parsimony or neglect. He said then, let those large parishes be divided—let the charge of the clergyman be limited to a practicable district—let him, having made himself known to his parishioners by the faithfulness of his pulpit ministrations, superadd to these the pastoral duties of week-day visitations,—constituting himself the friend, the instructor, the adviser of his parishioners, wherever distress might call for relief, or sorrow invite consolation. Let him avail himself of all those opportunities, never long wanting, when in the dispensation of a merciful Providence the heart is softened to receive the impressions of divine truth—let him not be discouraged by a sense of hopelessness and impossibility—and the Legislature would soon restore the moral tone of society, and would soon see the churches filled with those who would need no new Sabbath legislation to induce them to prefer the Church to the alehouse—the high and elevating enjoyments of holding intercourse with their God, to the low and debasing pursuits by which they were now degraded. The House could effect this in no other way—in no other way could it confer a benefit of similar extent on society. Looking even to mere considerations of police, any appropriation of the public revenue, as was proved by his right hon. Friend, the Member for Bute, would be an economical appropriation. The whole sum sought would not amount to a third of a farthing on each individual of the population. The House had shown a willingness to give a million to Ireland—to make an advance to relieve the Church-rate payers of England—it never would seriously object to the small grant sought for his country. He, therefore, implored them to act in the wise spirit of a great living poet, when he exhorted the State

> "To shape new channels which the flood
> Of sacred truth may enter, till it brood
> O'er the wide realm, as o'er the Egyptian plain
> The all-sustaining Nile."

It was by such a course alone they could restore the moral verdure of society.—The neglect of opening such channels was the cause that the sands of the desert were every day encroaching more and more on those fields which, in the days of our fathers, were smiling with fertility and beauty; and that the strip of narrowing cultivation was menaced here, as in the states on the Mississipi, with the curse of absolute barrenness. Doubtless we knew that the desert would bud and blossom as the rose. The inspiration of prophecy, the announcements of angels, alike assured us of that result; but the days of miracles were past, and in our times Heaven works by human agencies. We must not, therefore, sit still, like the waggoner in the fable, and pray to Jupiter for assistance. We must exert the energies which Heaven had vouchsafed to us; and seeing that the voluntary system had utterly failed to effect the good which we desired, or to avert the evil which we deprecated, we must revert to the calm, and constant, and uniform energies of a sufficiently extended Establishment supported by the State, if we really desired to accelerate the period which should give realization to the prophecy and confirmation to the angelic announcements. The hon. Member declared, that, though he really believed the noble Lord was sincere in his friendly declaration towards the Church, yet, thinking the Committee preferable, and most likely to lead to an immediate grant, and since it might, if it thought fit, recommend a Commission, he should support the Motion, if it went to a division, of his right hon. Friend, while, in conclusion, he sincerely thanked the House for the great indulgence with which it had listened to him.

Sir *Robert Peel*: If the Motion of my right hon. Friend had been brought before the House at an earlier period of the Session, considering his high authority, I should have had no difficulty whatever in expressing my preference of it to the Amendment which has been moved. But I cannot omit from my consideration the time in which we are to decide upon it. On the 1st of July it is that we are called upon to go into an inquiry, and at this late period I feel that it is impossible to come to any conclusion which will lead to a vote of the public money. Two months ago I should not have hesitated to prefer the original Motion, but at this advanced period I cannot but think that the inquiry byCommission will be more satisfactory than the appointment of a Committee for the same purpose. I am afraid that the appointment of a Committee would lead to a double inquiry, that, at the termination of their labours, the Committee would find it expedient to recommend that a Commission of Inquiry should be instituted. In short, the result would be the same as that of the Corporation Committee. After spending much time in fruitless investigation, the Committee would find themselves unable to come to any satisfactory conclusion—a Committee of Local Investigation would, from its expense, be out of the question—and the only course left would be to appoint that Commission of Inquiry, which, if it is to be ultimately recommended, had better be appointed at once. I find it impossible to throw the present time out of consideration, and, therefore, I am inclined to prefer the full investigation of the matter by a Commission to its consideration by a Committee. There is a slight difference in opinion—slight in terms, but important in principle—between the noble Lord and myself. Last night I took the liberty of referring to that passage in the Address which was carried *nemine contradicente.* His Majesty, in his address to the two Houses, called their attention to the two Church Establishments, in the two parts of the United Kingdom, England and Scotland; and informed them that he had already appointed a Commission for the purpose of inquiring into the condition of the Established Church in this country. In the answer which the House returned to that portion of the Speech we expressed our acknowledgements to his Majesty for informing us that the special object of the appointment of the Commission was, to extend more widely the means of religious instruction, according to the doctrines of the Established Church, and to confirm its hold upon the affections of the people. We then assured his Majesty that we should take into consideration the condition of the Church of Scotland, and the means of religious worship which were afforded to the poorer classes in that part of the United Kingdom. All that I propose is, that the House of Commons should confirm and realize the assurance which they gave at a time not remarkable for the good agreement of the Members, but at a time when party spirit ran high, and when other parts of that Address were amended, in opposition to the Government. Notwithstanding the then bitterness of party spirit, the House of Commons unanimously assured the Crown that they would take into consideration the condition of the Scotch Church Establishment. Now, I do not hesitate to say, that though I am not a member of the Church of Scotland, yet I look at it, as an Establishment, in the same point of view as I look at that of which I am a member. There is, I apprehend, no one point which we are bound to uphold in the case of the Church Establishment in this country that we are not equally bound to uphold in the case of the Church Establishment of Scotland. This opinion I give not on dry and technical grounds—but I do state that the obligation which I feel as a subject of the King, is confirmed by my respect and attachment to that Church, arising from the opportunities I have had of witnessing the virtues and services of her Ministers, and their effect in improving the moral and social condition of the people. All that I ask is, that we should place the Church of Scotland, in our inquiries into its condition, in the same situation in which we have placed the Church of England, and that we should recognise its claims as an Establishment precisely to the same extent. To recognise the equal claims which the Church of Scotland has, will, I apprehend, give universal satisfaction to its members, and to all those who regard it in the light in which I regard it. The noble Lord opposite has moved that an humble Address be presented to his Majesty, praying that his Majesty may be graciously pleased to appoint a Commission to inquire into the opportunities of religious worship, and the means of religious instruction and pastoral superintendance afforded to the people of Scotland, &c. All that I propose is, to insert, after "pastoral superintendence," the words, "by the Church of Scotland." If I am asked, whether I would exclude other inquiries, I must say most certainly not. I do not, indeed, think that the object of the Commission could be completed if we excluded other inquiries—as, for instance, into the moral and social condition of the working classes, their actual attendance at divine worship, and their connexion with any religious sect. After the Commission appointed by the Crown to inquire into the means of religious worship according to the doctrines of the Established Church in England, and after the assurance of the House of Commons that the condition of the Church of Scotland shall be investigated, I do contend, however unimportant the point may be as to the inquiry, though it certainly is not in principle, that we should put the Church of Scotland on precisely the same footing as the Church of England, to which it has just claims according to law, and according to the Constitution. And this we may do without at all prejudicing the inquiry into the means of religious instruction afforded by other religious denominations. This, be it observed, is a delicate point, and I hope the noble Lord will consult, not the possibility of objection, but the importance of my suggestion, and accordingly will consent to the introduction of words recognising the principle of the Established Church in Scotland, as equal to the Establishment in England. That is the whole of my suggestion. But the discussion of the main Question I shall not enter upon, as I wish no hostility to be provoked between the Established Church and those who have seceded from it. What I feel is this, that there is between the Dissenters and the Established Church an enormous neutral ground of infidelity, which by an union of exertion and perseverance, it is possible to reclaim. Of the Dissenters I should be far from speaking with disrespect. Their voluntary exertions in support of religion I honour, and, therefore, while I support the principle of an Ecclesiastical Establishment, and the extension of its means of affording religious instruction, I should never grudge the applause to which the labours of those who have seceded from it are entitled. The Established Church and the Dissenters are, I say, equally interested in reclaiming from infidelity the thousands and tens of thouands who have never heard the name of their God—and for whose benefit it is proposed to extend the means of moral and religious instruction in Scotland. The only remaining point to which I shall allude is the expediency of his Majesty's Government considering the policy of making any alteration in the law rather than devolving that duty upon a Commission. Shall we authorise the Commission to inquire what funds are, or may be, available for the establishment of the Church of Scotland, and whether any funds are available without an alteration of the law, or shall we not rather reserve to ourselves that question? To the Commissioners ascertaining any important fact I have no objection; but certainly I think that the policy of altering the law ought to be ascertained by his Majesty's Government and the House of Commons. I doubt the expediency of transferring the power of considering such a point to the Commission, and withdrawing from the Government its proper responsibility. What may be the effect of this vague and indefinite direction? May you not cause those who are prejudiced against religious inquiries to entertain apprehensions which, however groundless, are not the less forcible with those who have not immediate access to the best sources of information. Besides, I would suggest that those who are well qualified for making religious inquiries are not always equally qualified for carrying on political investigations. I trust that the noble Lord will agree to my suggestion, and, if so, I hope that the discussion will be left in that state which is least likely to induce any irritated feeling or promote any asperity, which, in a question involving religious interests it is so desirable to avoid.

Lord *John Russell* was happy to find that there really was no difference between the right hon. Baronet's object and his own. The right hon. Baronet approved of the reference of the subject to a Commission, rather than to a Committee of that House. As to recognising the claims of the Church of Scotland, he was as ready to recognise them as the right hon. Baronet; and, on the other hand, he was happy to find that the right hon. Baronet was as sensible of the valuable assistance rendered to the cause of religion by the Dissenters as he (Lord John Russell) was. It was a fact which ought never to be lost sight of, either in England or in Scotland, that where the State Establishment did not furnish sufficient means of religious worship for the pepole, it was exceedingly desirable that the deficiency should be supplied by other bodies. He did not, therefore, lament to see the growth of dissent in large towns, where the means of religious worship under the Establishment were insufficient; or that the ground which the Church was unable to occupy should be taken up by others. With respect to the manner and the nature of the inquiry, there was no difference between the right hon. Baronet and himself. As to the Amendment proposed by the right hon. Baronet, a similar one had been recommended to him since he came down to the House, which he had declined adopting, because the Motion which he had offered to the House had been drawn up in the words of high authorities in the Church of Scotland. He had no positive objection to the words proposed by the right hon. Baronet; but, for the reason which he had already stated, he must decline consenting to their introduction.

Sir *Robert Peel* observed, that all he wished for was, that the Church of Scotland should be placed on the same footing as the Church of England.

Viscount *Howick* was rather at a loss to understand the right hon. Baronet's precise object. His noble Friend's Motion, as it at present stood, comprehended both the Church of Scotland and the Dissenters from that Church. Why introduce words which might be construed into a limitation of the inquiry in a manner in which the right hon. Baronet himself, according to his statement, did not wish to see it limited? Being all agreed on the principle of the measure, it would surely be impolitic to risk any angry feeling by the introduction of words which might be misinterpreted. He was sure that his noble Friend's object and the object of the right hon. Baronet were the same; and it was of the greatest importance that on an occasion like the present there should be a general concurrence of opinion. He hoped and trusted that when the result of the inquiry appeared, they would be able to prevail on both the Church and the Dissenters in Scotland to agree on the measure necessary for the desirable object in view.

Sir *George Clerk* expressed his gratitude to the noble Lord for the tone and temper in which he had treated the Question. The noble Lord had, however, omitted, in the early part of his Motion, after the words "pastoral superintendence," some expressions suggested by the high authorities to which the noble Lord had alluded, recommending that an inquiry should also be instituted into the situation of chapels of ease and unendowed churches in Scotland.

Mr. *Patrick M. Stewart* hoped that, as it was not practically important, the right hon. Baronet would withdraw his Amendment. It was at the request of persons concerned in the matter, and who were fully competent to judge of it, that the address before the House was adopted by his Majesty's Government. Though the words proposed to be left out were agreed to, it would cause no great alteration as to the leading objects for which the Commission was about to be appointed. It appeared to him, from the speech of the noble Lord, that the people of Scotland would be completely satisfied with what was proposed to be done by Government. The object of the proposed inquiry was, not to trench on the rights of the Dissenters of Scotland—not to interfere with their usefulness—and he felt confident that they would have no objection to it. What was intended was, to provide religious instruction and places of worship for that moral wilderness of population who came neither under the influence of the Dissenters nor of the Established Church. He thought this Commission would provide the very best means that could be devised for that purpose. He agreed with the right hon. Baronet that the period of the Session was too late to have recourse to a Committee. He begged to thank the Government and the House for the kind spirit and manner in which they had met the case, and the friends of the Established Church in Scotland ought to be thankful for the turn the discussion had taken that night. All that was proposed was to overtake and reclaim those increasing masses in Scotland who were now buried in darkness, without receiving the light of the Gospel either from the Ministers of the Established Church or from the Dissenters.

Sir *Robert Peel*, being unwilling to disturb the tone and temper which had hitherto prevailed on this occasion, and understanding that the Motion was admitted to contain a recognition of the principle for which he had contended, felt that he should best perform his public duty by not pressing his Amendment to a division.

The *Attorney-General* rejoiced in the right hon. Baronet's determination. He rose, however, to correct a statement made the other evening by the hon. Baronet, to the effect that such had been the rapid growth of infidelity in the city which he (the Attorney General) had the honour to represent, that not an eighth part of the population at present received religious instruction. So far was that from being the case, that he believed there never was a period at which piety and religion more extensively prevailed in the metropolis of Scotland than at the present moment.

Mr. *Sinclair* cordially approved of the Motion and hoped the inquiry would be carried to the fullest extent.

Mr. *Stewart Mackenzie* supported the Motion, and could but express his great satisfaction at the conciliating tone adopted in the debate.

Sir *William Rae* was not willing to obstruct the general feelings of the House. The facts he had stated were not submitted to the House without sufficient authority. The period of the Session was certainly late at which the Question was brought forward, but he trusted that the fault of delay would not be attributed to him. As the Government had agreed to that part of the Address to the Crown which related to the Church of Scotland, he thought it but fit to wait and see whether the Government meant to bring forward any Measure on the subject. They had not done so, and on account of the numerous petitions he had received on the subject he felt himself bound to bring the matter, though late in the Session, under the consideration of the House. He hoped the House considering these circumstances, would acquit him of being guilty of undue delay. The Question had been greatly altered by the manner in which the noble Lord had just spoken, and by the way in which the noble Lord expressed his determination to support the Church of Scotland. The matter had been fully and fairly discussed, and he trusted to the satisfaction of all parties concerned. Much, however, would depend on the instructions that the Government should give to the Commissioners; those would much tend to make the noble Lord's statement satisfactory. He regretted that the words proposed to be inserted in the address, by the right hon. Baronet the Member for Tamworth, had not been adopted, as he thought their adoption would make the address more satisfactory to the people of Scotland He considered that no information would be obtained from an inquiry into the funds of the Church of Scotland. He would move, therefore, that the words in the address which referred to this point be omitted, as their insertion would leave a bad impression on the minds of the landowners of Scotland, and bear against the interests of the Established Church. He should have been glad if the words of the right hon. Member for Tamworth had been inserted in the Motion, but as his right hon. Friend had yielded, he would not detain the House any longer.

Dr. *Bowring* said, that he would cheerfully consent to the nomination of the Commission; but he hoped that the Dissenters of Scotland would not be annoyed by the use of language offensive to them.

The original Motion was negatived and the address moved by Lord John Russell carried.

IPSWICH ELECTION.] Mr. Sergeant *Jackson* informed the House that Mr. O'Malley was in attendance. He moved that he be called to the Bar to be reprimanded and discharged.

Mr. O'Malley was accordingly called to the Bar.

The *Speaker* addressed him to the following effect:—"William Frederick O'Malley, this House has found that you have been guilty of aiding and abetting a witness in absconding to avoid giving his testimony before a Committee of this House. In weighing the guilt of those persons who have violated the privileges of this House in connexion with the proceedings of the Committee to whom the petition on the merits of the return of the writ from Ipswich was referred, the House has had no hesitation in coming to the conclusion that those who so aided and abetted witnesses in absconding are those who, in the judgment of this House, are deserving of the severest reprobation. It is with peculiar pain that I am called upon to state this to a gentleman of the profession to which I myself have the honour to belong; and I hope that, in discharging the duty now imposed upon me, the House will excuse me if I dwell with less severity, than perhaps in strictness I ought, on the observations arising on the petition first presented by you to this House, and the other circumstances connected with this case. Saying that in aiding and abetting an individual to absent himself, to avoid giving evidence which it was his duty to give, you were ignorant you were violating the privileges of this House, is an excuse this House can receive from no man, and least of all from a person in your station. You, who attended the Committee as counsel, must be well aware of the obstruction which has been thrown in the way of the administration of justice by the absence of the witness whom you aided to abscond. This is a transaction upon which I am sure you will never hereafter reflect but with regret. Relying upon this, upon the assurances you have given, and deeply impressed by the statement made in your behalf with respect to the condition of your health, the House has been induced in its lenity to discharge you more speedily than others who committed the same offence with yourself; and trusting you will bear in mind, and always reflect with gratitude on the kindness and indulgence of the House, I have now to acquaint you that you are discharged on payment of your fees.

On the motion of Lord *John Russell*, the reprimand was ordered to be entered on the Journals.

CORPORATION REFORM COMMITTEE.] On the Motion of Lord *John Russell*, the House went into Committee on the above Bill.

Clause 22 was agreed to with verbal Amendments.

Clause 23, providing that one-third part of the council should go out of office annually, having been read,

Mr. *Charles Buller* rose to move the Amendment of which he had given notice. He said, that there was no one more inclined than he was to aid the progress of the Bill. He wished to place no obstruction in its way, nor did he wish to place the Government in an unpopular predicament. After the discussion that had taken place last night, he must briefly offer his objections to the mode of election of the Town-Council as proposed by the Bill. He objected to the partial renewal annually of the Council. Partial elections, whether for Parliamentary or Municipal purposes, were bad in practice, and contrary to the rights of the people. He was much pleased with the liberal observations that had fallen on the preceding evening from the right hon. Baronet the Member for Nottingham, who was for giving the people full power over elections. He hoped that that power would not be permitted to be neutralized by the present Clause, and he was of opinion that frequent elections would not lead to any dangerous excitement. By the present plan of election, the people would, after all, have only a triennial control over their representatives in the Council, and there would be an additional disadvantage, namely, the annual excitement that would follow a partial election of the Council. The system of partial election had been tried by the Act for parochial government, of which the right hon. Baronet (Sir J. Hobhouse) was the author. From accounts he had received, that Act caused a worse effect than even he had anticipated from it. It caused greater excitement every year than if the whole body of the vestry were elected at once. It took three years to turn them all out, and during that time all the excitement prevailed that might be disposed of in one year. A person belonging to the parish of St. Pancras had furnished him with highly valuable information as to the working of the plan of partial annual election. That person stated that the first objection to such a plan was, that it placed too much power in the hands of those who were already elected. With respect to the vestry alluded to, there was a house-list always handed about, and the weight of the two-thirds of the members that remained in was always sufficient to secure the re-election of the one-third that annually were obliged to go out. Another objection of the party alluded to was, that in his parish persons had got into the vestry who were designated by the uncourteous appellation of "rats," from the fact that they were elected as Reformers, but as soon as they got into the vestry, they forgot their promises and disappointed those who voted for them. The effect of this was, that for two years the parish was kept in constant agitation from the efforts to turn them out. A three years' canvass was carried on to produce what an annual election would bring about. Even a *bonâ fide* three years' election would be preferable to this partial annual one, since it would save all the excitement that prevailed during the whole interval of the three years. But why have recourse to the proposed alteration in the mode of election at all? Why not return to the old system, namely, that of annual elections? It would be found that the practice was, where officers were not appointed for life, that the elections were annual; and this system had hitherto worked well. The Report of the Municipal Commissioners gave as an instance in favour of annual elections those of the Common Council of the city of London. That mode was approved of by the Commissioners, and they stated that the result was, that the same persons were annually re-elected, with very few exceptions or changes. The same Report spoke of another Corporation, and stated that it governed with the greatest impartiality, and that its revenues were managed with the greatest economy and integrity. The Report also stated, that the Corporation in question was an exceedingly popular one, and that it administered the funds of the different charities of which it had the management with the strictest fairness. The Corporation alluded to in the Report was that of Wisbeach, and the period of electing its officers was annual, and the mode of election by ballot. When such was the fact, he thought that Gentlemen need not be alarmed at the excitement annual elections would produce. They produced no inconvenient excitement in London, and very few changes in the persons elected, though the people had the power of making changes. He was of opinion that the people ought to have this power continued to them. They would use it discreetly, and for their own benefit; and when they made changes in the persons elected, it would be on account of misconduct on the part of those persons. The proposed duration of Municipal Councils would be just as objectionable as that of Parliament. It would lead to the introduction of pledges, and the consequence would be, that in a short time the Councillors of the different boroughs would be so fettered with pledges as to be incapable of exercising their discretion. Another objection was, that continuing the services of those Councillors for a period of three years was likely to have the effect of bringing the penal clauses of the Bill into operation; and for this, and the other reasons which he had stated, he now begged leave to submit to the consideration of the Committee the Motion of which he had given notice. He must add, that he wished some one period to be fixed for the general election of Municipal Officers; and although he would not object to the time appointed for this purpose, he still was of opinion that annual elections were the means by which the least risk would be incurred to the peace and tranquillity of those towns. The hon. Gentleman concluded by moving, that the words "one-third part of" be left out of the Clause.

Lord *John Russell* said, that the objections of the hon. Member for Liskeard to the Clause as it stood were inconsistent with each other. One of his objections was, that as the Clause stood, there would be great agitation and excitement to get the office of Town-Councilman; whilst another was, that its duties would be so onerous, that it was a hardship upon individuals to be obliged to serve for three years against their will. Another objection of the hon. Member was, that the two-thirds who remained in office would elect the one-third to be elected by a kind of house-list; but this objection was also answered by the assumption of the hon. Member, that there would be great anxiety out of doors to become members of the Council. He had not heard any thing, therefore, to make him doubt that the system proposed to be established by the Bill would work well in practice.

Mr. *Grote* said, that the periods during which the Common Councilmen of London held their seats afforded a striking refutation of the argument against annual elections, founded on the inconvenience of having every year a large number of new and unpractised members. The Common Council of London consisted of 140 members, and the average length of time which the present members had held their seats was nine years and three-quarters. Assuming that the average expectancy of continuance in office of the present Common Council was another nine years and three-quarters, it would give an average length of service to each member of nineteen years and a-half. This was a complete refutation of the supposition that annual elections would produce a continual influx of new and inexperienced men. With respect to the argument that by annual elections, a particular man would be displaced by a temporary excitement; although that might happen in one year, the member would be re-chosen the next, when the excitement subsided. That the members, however, who would fall victims even to temporary excitements would be small, might be judged of from the fact that there were only nine members in the Common Council of London who had so suffered. They must not forget that a body chosen annually was much more likely to have their attention constantly directed to their duty to their constituents than one elected at longer intervals. The feeling of constant accountability to their constituents, which, after all, must be the great source from which the disposition to do their duty must emanate, could not be too deeply rooted in the minds of representatives, as was proved in the cases both of London and Wisbeach.

The *Attorney-General* allowed that if the elections were annual, there was every probability the old members would be re-elected; but still there was a possibility for which they must legislate, he meant sudden convulsions in the political world, that might cause the whole body of the Common Council to be changed. This would not be a trifling evil, when it was recollected how much more severe their labours would be under the new than they had been under the old system. They would have to manage all the local affairs of their respective towns, they would have to administer their property, to direct the paving, lighting, watering, and watching of their streets, all of them functions of a complicated and onerous nature, requiring experience in those who discharged them. The proposition contained in the Bill, on the other hand, was not a speculative experiment; for it had been tried in Scotland, and, as far as it had been tried, had succeeded to admiration.

Mr. *Williams* (Coventry) mentioned the case of the Common Council of the city of London, as an illustration that no possible inconvenience or practical objection could arise from the adoption of the proposed Amendment. That body was elected annually, and had the management of funds to the amount of 400,000*l.* a-year, and yet no consequences had resulted from it prejudicial to the interests of the citizens of London.

Amendment negatived without a division.

Colonel *Sibthorp* moved an Amendment, the object of which was to give the burgesses the power of choosing what Councilmen should retire, and to prevent those who retired from being re-elected for three years.

Lord *John Russell* opposed the Amendment, and it was negatived without a division.

The Clause to stand part of the Bill.

The 24th Clause; "Elections to be held before mayor. Mode of voting."

Mr. *Barlow Hoy* moved, as an Amendment, "That the votes at elections for the Council be taken openly, in the manner now usual at elections for Members to serve in Parliament."

The Amendment eventually negatived.

Mr. *Grote* rose to move the Amendment of which he had given notice, and in doing so, he assured the noble Lord that he was ready to do him ample justice for many of the provisions, and for what he anticipated would be the admirable effect, of this Bill. He could not, however, but express his sincere regret that the principle of the Vote by Ballot was not recognised by the Bill. Considering, as he did, that secret suffrage was the only way to ensure entire freedom from coercion to the honest elector, and as the best method also of debarring the dishonest voter from getting so high a price for his vote as he otherwise might do, he much regretted that it was not introduced into this Bill. He said this, however, more in the way of regret than in the way of complaint. The Amendment which he now proposed to lay upon the Table, did not in the least touch or infringe upon the general principle of the Bill. If his Amendment were adopted, the method of voting which the House had lately sanctioned by its decision would be still open to these Municipal Corporations. There would, however be an option given to the Town Council of those Corporations, if they thought the adoption of the Vote by Ballot to be preferable, to adopt that mode. He was fortified in making this proposition by the course pursued by the right hon. Baronet the Member for Nottingham (Sir John C. Hobhouse), on the Bill introduced by him respecting Select Vestries. Indeed he had copied the greater part of his Amendment from that Bill, and had taken no greater precaution for securing secrecy than that Bill prescribed. There was but one difference of any importance to notice between that Bill and his Amendment. The right hon. Baronet's Bill enacted that every parish, containing 800 rate-payers and above, should be entitled to declare its option to adopt, by a majority of the rate-payers, that mode of voting for the representatives of the vestry which he proposed should be adopted (at the option of the Town Council) for the election of the Municipal (or Town) Council of the Boroughs. He only differed from the right hon. Baronet in this respect, that instead of lodging the option in a majority of the rate-payers he (Mr. Grote) proposed to lodge it in the absolute majority of the Town Council. There were some minor differences as to the appointment of inspectors which he would not more particularly advert to. To lay a ground for this proposition, it was not necessary for gentlemen to agree with him on the subject of the Vote by Ballot. It was sufficient for them to admit that in some of these two hundred Municipal Corporations there might be political and acrimonious feelings, which majority of the Town Council might think it best to avoid by adopting the mode of election for which he was now contending. The adoption of the Ballot was infinitely more necessary in Municipal elections than even in the exercise of the Parliamentary franchise; for as a lower class of persons were entitled to vote at the former, it was but reasonable to suppose that they were more open to undue influence. He begged to move that there be added at the end of Clause 24 the following proviso:—"Provided always, that it shall be competent to the Council of any borough, if an absolute majority of the whole number thereof shall so think fit, to direct that at elections for members of the Council or of auditors for the said borough, the votes of the burgesses shall be taken in the following manner: that is to say, that the poll shall be taken by Ballot, each burgess delivering to the mayor as aforesaid, or to such clerk as may be appointed to take the poll, and in manner hereinafter mentioned, a folded paper, containing the names of the persons for whom such burgess may vote, as fit and proper to be councillors or auditors; and that the said Mayor or Clerk shall deposit the said folded paper, without previously opening the same, in a balloting glass or box, which shall be closed and sealed up at the time fixed for the termination of the voting, as hereinafter declared:—That after the close of the said Ballot, the Mayor as aforesaid, with four or more inspectors appointed by the said Council, and in the presence of such number of the Council as shall think fit to attend, shall proceed to unseal the box or glass and examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted for are elected; and so many of such persons being equal to the number of the Councillors then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more persons, the Mayor shall name from amongst those persons for whom the number of votes shall be equal, so many as shall be necessary to complete the requisite number of Councillors to be chosen: and the Mayor shall publish a list of the names of the persons so elected Councillors within three days (exclusive of Sunday) from the closing of the poll."

Mr. *Barlow Hoy* expressed his surprise that any proposition should be made for the introduction of a secret mode of voting into a Bill the professed object of which was to do away with secret and close practices.

Lord *Francis Egerton* thought that the adoption of the Ballot in Municipal Elections would occasion considerable turbulence and confusion. He preferred trusting to the prophecies of his Majesty's Ministers relative to the peaceable and admirable manner in which they would be conducted under the arrangement proposed by them. He feared the persons elected to the Council would be required to pledge themselves to the adoption of the Ballot.

Mr. *Warburton* wondered the noble Lord could entertain any such fear when they were told that the system was un-English and opposed to the habits of the people. The fact, however, was, that the Ballot had been adopted with great success in many parishes.

Sir *John Hobhouse* believed that it had not been adopted in any one instance.

Mr. *Warburton* repeated that if he had been correctly informed, it had been adopted with great success in several metropolitan parishes. He would propose that if any voter should subscribe his name to the list as having voted for a particular party, his vote should be void.

Sir *John Hobhouse* again stated, that no one parish had availed itself of the provision in his Bill which gave them the power of adopting the Ballot.

An *Hon. Member* said, that he himself had been elected to a parochial office by Ballot.

Sir *John Hobhouse* said, that in preparing a great measure like the present, and in endeavouring to attain the best mode of carrying it into execution, it was perfectly impossible that they could fall in with all the modes proposed by every individual Member. He entreated the cordial co-operation of the House, and he made no complaint of the reception the Bill had received, because it certainly had met with a very fair share of support; but if Gentlemen whom they had the pleasure of seeing on those (the Ministerial) benches really meant well to the Bill, he implored them to merge their own minor differences of opinion, to stand by the Government, and support the great principles of the Bill.

Mr. *Ward* meant to impute no dereliction of principle to the Government when he said that if the Amendment were pressed to a division he should support it. After the observations of the right hon. Baronet, however, he hoped the hon. Member for London would consent to withdraw his Motion.

Mr. *Aglionby* made the same suggestion, and observed that the mere fact of the metropolitan parishes not having adopted the Ballot proved how safely the alternative might be left to them.

Mr. *Grote* under existing circumstances would consent, though with considerable reluctance, to withdraw his Motion. He hoped he had done his duty to a principle which he considered of paramount importance. With regard to the adoption of the Ballot in parochial elections, he could state, on the authority of one of the Churchwardens, that it was adopted in Mary-le-bonne.

The Amendment was withdrawn, and the Clause was agreed to.

On Clause 27 being read,

An *Hon. Member* moved as an Amendment, that in case of an equality of votes between any two or more of the candidates for the office of Councillor, the Mayor shall draw by lot the requisite number, instead of nominating the successful candidate.

The Committee divided.

Ayes 142; Noes 190; Majority 48.

On the question, that the Clause stand part of the Bill,

Mr. *Hughes Hughes* said, that he had given notice of his intention to move alterations in this Clause, to the effect that the Mayor should appoint scrutineers for each parish in the Borough to assist him in examining the voting papers, for the purpose of ascertaining which of the several persons voted for were elected. He had been restrained from so doing by the introduction into the Clause of two Assessors to assist the Mayor. He could not however, suffer the Clause to pass the Committee without suggesting to the noble Lord, the Secretary of State for the Home Department, that the time allowed for examining the voting papers and declaring the numbers was far too limited. By way of illustrating this point, he would state that in Oxford the number of electors under the Bill was estimated at 3,000, so that, even if the number of thirty-three Councillors allotted to that City in the schedule should not be increased, no fewer than 99,000 votes might be recorded. Every one of the 3,000 electors would have it in his power to put upon his voting paper the names of any thirty-three persons whom he pleased to select, whether candidates for the office or not, and therefore 200 or 300 different names would very probably appear on the voting papers. Now he would put it to the noble Lord whether, taking these circumstances into consideration, and that the poll, under a former Clause, was not to close till four o'clock on the day of Election, the declaration of the numbers should be required to be made so soon as two o'clock on the next day. It would be next to impossible to classify the names and cast up the votes, so as to make the declaration of the result with accuracy at two o'clock of the succeeding day, even though the Mayor and his two Assessors should sit up for the purpose the whole of the intervening night. But he had not by any means put an extreme case. The inconvenience would operate still more forcibly in larger towns, where both the number of the Electors and of the Councillors to be chosen was much greater than in Oxford. He did not make this suggestion in any vexatious manner, but merely threw it out for the consideration of the noble Lord.

Lord *John Russell* observed that the hon. Member had put an extreme case when he talked of 200 or 300 names appearing in the voting papers. He thought that less than 100 names would probably be inserted, but, admitting that some practical inconvenience might arise, he promised that the point should receive his attention.

Mr. *Goulburn* thought the difficulty started by his hon. Friend was very likely to occur, and would recommend the subject to the serious consideration of the noble Lord.

The Clause agreed to.

On Clause 29,

Sir *M. W. Ridley* said, that he had an Amendment to propose, to the effect that all persons now holding offices in Corporations should continue to hold them until persons were elected under the provisions of this Act to succeed them. He did not think that provision had been made in the Bill for this purpose.

Lord *John Russell* observed that he had a proviso to propose at the end of this Clause, which he thought would meet the objection of his hon. Friend.

Sir *M. W. Ridley* said, that he had prepared a Clause on the subject, but was willing to leave the matter in the hands of his noble Friend and his hon. and learned Friend the Attorney-General, who no doubt would frame a Clause much better than he could do.

The Clause agreed to.

On Clause 30 being put (certain boroughs to be divided into wards),

Lord *Stanley* said, that he intended to call the attention of the Committee to a most important point, namely, the principle on which the Government intended to act in proposing that his Majesty in Council should have the power of dividing a borough into wards. This point involved three important principles—first, whether it was intended to propose that any borough should be divided into any number of wards which his Majesty in Council thought proper; secondly, on what principles his Majesty's advisers intended to propose to fix the boundaries of these wards; and thirdly, whether it was intended for the future to give his Majesty, or rather his advisers, the power of fixing the number of constituents in each individual ward. If the first point was conceded, it would be almost unnecessary for him to submit to the Committee the Amendment which he intended to propose. He trusted, however, with reference to the last two points, his noble Friend would give to the House some explanation, and would state what course he and his colleagues intended to advise the Crown to pursue with respect to the limits of these wards. Did his noble Friend intend to propose that the number of wards should be governed by the local circumstances of the place, or by the boundaries of the parishes in a borough? He did not believe that they intended to propose, that a borough should be divided into wards solely with reference to the population. Surely his noble Friend did not mean to say, that because a ward contained a certain population, that it should return a certain number of Councilmen, without reference to the wealth of the different wards, or the portion each contributed to the common burthens of the place. If his hon. Friend did so he would depart from the principle he had laid down in the Reform Bill, and would give more power and influence to the mere population of certain wards than to those in other wards who might contribute mainly towards defraying the exigent expenses of the borough. If this point was to be acted upon, it was only right and proper that Parliament should be made acquainted with it. His Amendment, however, only went to the extent that certain towns, not divided into wards by the Bill, should be divided into them. To a certain degree his Majesty's Government agreed with him, but did not go to the extent which he proposed. If his Amendment, or something founded on the same principle, was not carried, he was satisfied that in several comparatively large towns, an important minority would not be represented in the Council, and a combination of a certain portion of persons might exclude a great portion of the wealth of the place from the slightest influence or control. Another, and a stronger objection was, that in those towns not proposed to be divided into wards, the number of Councillors would be so large, that the electors would not exercise their choice from a knowledge of the parties, but would be guided by popular prejudices. There would be one or two lists, for instance the Yellow and the Blue-lists; the electors would not be guided by their opinion or knowledge of the persons they had to elect, but by political prejudices. If they divided a borough into wards, he thought that there was the best chance of the voters of a town only electing such persons as they were well acquainted with, and whom they thought best able to represent them. He thought that the mode proposed in the Bill of dividing boroughs into wards was too arbitrary. The Amendment he intended to propose was, that it should be left to the Crown to fix certain bounds to the wards, but that some rule should be laid down as to the principle by which they should be guided in dividing a place into wards. His Majesty's Government proposed, that only towns containing 25,000 inhabitants should be divided into wards—it appeared that they took this as the basis of the population and wealth of a place; but places also might be divided into any number of wards at the pleasure of the Crown. Now there were several places of great importance, which it was desirable to divide into wards, which contained a population of less than 25,000 persons; for instance, Leicester, Chester, Cambridge, Derby, Ipswich, Carlisle, Oxford, Wigan, and other places he could mention. In these towns, the rule laid down, was, that they should return the whole number of thirty-six Councillors. There would be almost necessarily two parties, and a most powerful minority might be entirely excluded from any share in the representation in the Council. What he intended to propose, was, that towns with less than 25,000 inhabitants should be divided into wards. He did not propose this vexatiously, but he thought that the adoption of his suggestion, would improve the measure. He intended to propose in the preamble of the Clause, that the words, "Whereas by reason of the great number of the inhabitants of boroughs, named in the schedule annexed to the Act, it is desirable that sush boroughs should be divided into wards," &c., should be struck out, and that they should adopt some principle with reference to the number of wards a town should be divided into, containing a certain population. What he intended to propose to be inserted, was to this effect, "That it was expedient, if it should appear to his Majesty in Council, that the population of a borough, according to the last Parliamentary census, exceeded the number of 10,000, that it should be divided into a certain number of wards, not exceeding three, if the population of a borough exceeded 18,000, that it should not be divided into more than six wards, and if it should exceed 25,000, that it might be divided into a number of wards which his Majesty might think fit." He did not wish to adhere very closely to what he had laid down, but was willing to leave the matter to his Majesty's Government, if his noble Friend would promise to carry out the principle which he had partially acted upon, and divide towns containing 10,000 inhabitants into wards. If the principle was adopted, he would leave the details to his noble Friend.

Lord *John Russell* observed, that there was no doubt that the principle was of great practical importance on the working of the Bill. It was a question of practical detail, rather than one involving a principle. He was disposed to go to the extent of stating, that he was willing to consider whether the plan of dividing towns into wards containing a less population than 25,000 inhabitants could be adopted. His noble Friend asked, what principle his Majesty's Government intended to adopt with reference to dividing a borough into wards? In the first place, it would depend on the wealth and population of a place. Undoubtedly they would to a considerable extent adopt the principle of population in making a ward —that was, they would not do so unless it contained a certain extent of population. The course, however, they would adopt would depend to a great degree on the circumstances of different classes. For instance, if a place were now divided into three or four parishes, it would depend upon the circumstances of the case, whether that division would be continued. If this arrangement could be continued advantageously, there could be no reason why this should not be done. He should be sorry to divide a borough into wards, when the number of voters were so few that they were likely to be influenced. If this were the case, it would produce a jealous feeling which would be most pernicious. As the case now stood, his Majesty's Ministers would be guided by the circumstances of each town, and the wealth and population of it. He was not now prepared to adopt the suggestion of his noble Friend; but if his noble Friend would postpone his Amendment, he (Lord John Russell) would propose to take it into his consideration, and the decision of the Question might be taken on the Report.

Mr. *Barlow Hoy* had intended to propose an Amendment, that all towns containing 15,000 inhabitants, should be divided into wards; but the Amendment of the noble Lord fully met his views on the subject.

Mr. *Hume* hoped, that the noble Lord would not agree to the proposition that had been made.

The *Chancellor of the Exchequer* said, that the principle of the Clause being a division of the popular boroughs into wards, he did not see that there could be any reasonable objection to the proposition being taken into consideration.

Mr. *Kearsley* hoped the noble Lord would not for one moment listen to the hon. Member for Middlesex, or to any hon. Member on that (the Ministerial) bench; he trusted, that he would rather allow himself to be led by the good sense of the noble Lord who had moved the Amendment, having in view the good of the country. He feared, however, that if the noble Lord relied on the noble Secretary of State, he would depend upon a broken reed; he had no hesitation in saying, that he believed the noble Lord would find that the noble Secretary of State for the Home Department was weak in his knees.

The Amendment was postponed, and the Clause was agreed to.

On Clause 33rd being put,

Mr. *Goulburn* moved an Amendment, to give to individuals in the different wards the power of voting for any property they might have in any of such wards.

The *Attorney-General* said, that the adoption of such a principle would cause the Bill to become exceedingly unpopular.

It was withdrawn. Clause agreed to.

The Clauses to the 36th were agreed to, the House resumed, the Committee to sit again.

## HOUSE OF LORDS,

### *Thursday, July* 2, 1835.

MINUTES.] Bills. Read a third time:—Sugar Duties; Western Australia Settlement; Corn Trade; (Isle of Man).

Petitions presented. By the Marquess of Londonderry, from Goddart, for Protection to the Established Church.—By a Noble Peer, from Huddersfield, for a Remission of the Sentence on the Dorchester Labourers; from Irvine, against the forcible Impressment of Seamen.

VOLUNTEERS TO SPAIN.] The Marquess of *Londonderry* begged to recall the attention of their Lordships to the questions he had put the other day relative to the affairs of Spain, and to the answer which the noble Viscount had given him on that occasion. He had then asked, whether the Order in Council had been issued by this Government itself, or whether it had been issued at the instance, or he might say at the direction of the Government of Spain, or whether by the influence of General Alava, the Spanish Ambassador. At all events, he thought it right that those persons, whether called levies, mercenaries, or British auxiliaries, who were now assembling at the Isle of Dogs, should know the true state of the case. He wanted to know whether they were to be included in the terms of the late convention entered into by Lord Eliot. He had before asked this question of the noble Viscount, who replied in the affirmative. The noble Viscount, he was sure, was not willing to misrepresent the matter; and he had therefore a right to call on the noble Viscount to state what was the construction he put upon this treaty or convention, and what it was that made him put a particular construction upon it. The noble Viscount could not be ignorant of the decree said to be issued by Don Carlos, and published in all the Newspapers, which he, however, believed to be an authentic document. That decree was couched in these terms:—

"I order and decree as follows:—

"Article 1. All strangers, without distinction of rank or grade, who shall take up arms against my legitimate rights, or who shall serve, by any means whatsoever, the rebel army of the usurpation, shall be deprived of the benefits of existing laws, nor shall they be considered as included in the 'convention for the exchange of prisoners,' signed by my authority by my Commander-in-Chief, at Asarta, on the 28th of April last.

"Art. 2. All strangers above noticed who shall fall into our hands shall, after time being given them to perform their religious duties, be instantly shot."

Those persons who were now assembling at the Isle of Dogs probably did not know of this decree—he should not state what they were, but he thought that they ought not to be deceived, and that there ought not to be two constructions put upon this convention, one by this Government, and the other by Don Carlos. He therefore asked the noble Viscount what was the construction he put upon this convention, and why he made the statement the other night? There was a considerable degree of mystification or delusion practising with respect to this and to the Spanish cause. It was impossible to hear the statement of the Secretary of State for Foreign Affairs, without feeling that ignorance or wilful design had occasioned a mis-statement of facts, which made the noble Lord say what he did. The noble Lord had said that but a few provinces of the north of Spain had engaged in the contest against the Queen. It was all very well for him to say so, but what was the state of Don Carlos' affairs now, and what had been their state some time since? Why, but a few months ago, Don Carlos left England with scarcely a follower; in the most gallant manner he threw himself into Spain, and at that time there were hardly 5,000 men who followed his standard; but now, as he had been told and believed, there were no less than 36,000, well armed, trained, and officered, ranged under his command. Take the other position; the Queen's troops at that time numbered 50,000 men; these troops with four Generals in succession had been beaten, and of the 50,000 above 8,000 as he had been told and believed, had deserted to Don Carlos, and the rest of the force was nearly destroyed. Such was the state of the four northern provinces of Spain, and in those four provinces there were only half a million of men; but then they had kept all the forces and all the resources of the other provinces in check, and Don Carlos was daily increasing in strength and power; and therefore, really, for the Secretary of State for Foreign Affairs to declare that Don Carlos had no chance of success was to keep the people who were now going out in a state of wilful ignorance, when they ought to have their eyes opened. He hoped that the Order in Council would again be taken into consideration, and he begged to ask the noble Viscount when the papers which had been promised the other day would be presented. He begged the noble Viscount to give him an answer on the subject of this decree, as he believed it to be authentic, and it was directly contrary to what the noble Viscount had assured the House was the true construction of the convention.

Viscount *Melbourne* observed, that all he had said was, that in his opinion those who embarked as volunteers in the service of the Queen of Spain would be entitled to the benefits of the convention. Of course he could not know the construction that would be put upon it by the powers in Spain; and he repeated that all he had said was to express his opinion on the subject. With respect to the decree now referred to, he believed that it was not authentic, that it was not issued by the person whose signature it professed to bear. He could not state positively that such was the case, but that was his full and entire conviction, and, therefore, in his mind the supposed decree did not in the least impugn the opinion he had expressed on a former occasion. The noble Marquess had gone into a statement of what he represented to be the present state of Spain, with a view to contradict his noble Friend, the Secretary for Foreign Affairs. As he understood the noble Marquess, his noble Friend was represented to have said, that the war was confined to the three northern provinces of Spain. Such he (Lord Melbourne) believed to be the fact. There had been no movement of a similar kind in any other part of the country; and the assertion of his noble Friend was perfectly compatible with the statement made by the noble Marquess himself as to the supposed relative condition of the two armies. That statement, he believed, to be entirely mistaken; but he should not now trouble their Lordships with going into the proof that it was so. The papers for which the noble Marquess had moved should be presented as soon as possible.

The Marquess of *Londonderry* was sorry to mis-state anything that had been stated by the noble Lord, but he could not acquiesce in the rejoinder of the noble Lord, who maintained that the insurrection was confined to the two northern provinces, and that the success of Don Carlos was impossible. How could the noble Viscount reconcile his construction of the treaty with the decree of Don Carlos.

Viscount *Melbourne*: I repeat that I believe that decree to be a forgery; and whether Don Carlos will succeed or not, I do not know. I repeat, however, that he is not supported except in the northern provinces.

COMMISSIONERS OF PUBLIC INSTRUCTION (IRELAND).] Viscount *Duncannon* rose to call the attention of the House to the subject of a letter, an extract from which had been handed to him a few evenings since by the right reverend Prelate near him (the Bishop of Exeter) which he had then stated, he could not reply to. When the extract, however, which reflected on the conduct of Mr. M'Dermott, one of the Commissioners of Public Instruction in Ireland, was placed in his hands, he took the best means in his power to ascertain the facts, and he wrote to Ireland for that purpose. He had received an answer from the Gentleman against whom the charges had been made, which he would presently read to the House. It was a very strange thing, he must observe, that complaints were not made against certain of the Commissioners until their duties had ceased, and proper time for complaint had passed by. All the complainants had waited not only till after the Commissioners had been appointed, but till the Commission in Dublin was at an end, and not one of them had made a complaint till the petition presented by the Bishop of Exeter. Only five complaints had been made of the Commissioners; since, these inquiries had been instituted, and the answers returned he believed to be satisfactory. With respect to all the after-complaints, their Lordships were as well aware of them as he; there were none but such as had been introduced by the right reverend Prelate. With respect to the complaint of Mr. M'Dermott, and the letter which the right reverend Prelate had read relating to him, he had made inquiries, and had received a letter in answer to the following effect: "Mr. M'Dermott admitted that he had attended many meetings on the Roman Catholic claims, and, among others, one in the parish in which the greater part of his property was situated. He said, it was true that the people had chaired him through the town after the meeting, but all this had occurred not recently, but previous to the passing of the Emancipation Bill, and, as well as he could recollect, in the year 1825. It was not true, that he had made any inflammatory speech against the police force or Magistrates; he had spoken warmly against the exclusion of men from Civil Offices on account of religious opinions, but nothing more." His Lordship, in conclusion, said that Mr. M'Dermott was a person on whose statements he thought their Lordships might place implicit reliance.

The Bishop of *Exeter* hoped their Lordships would allow him to make a few observations in reply to what had fallen from the noble Viscount. In the first place, the noble Viscount said, that there was no complaint made against the manner in which the Commission had been executed till this complaint had been brought forward, which was made by Mr. Irving. He received a letter yesterday, from which it appeared that complaints had been made against the enumerator for gross partiality. That individual had nearly prevented a whole family of Protestants from being entered. The omission, however, did not take place owing to a Mr. Blundell being present, who reported the case to the Commissioners. In another instance, there were two families, half of whom were Roman Catholics, and half Protestants, and they were recorded as all Roman Catholics. It appeared, that while the noble Viscount was informed that no complaint was made before one was stated in this House, Mr. Irving represented, that a complaint was made by him of the omission to which he had just alluded to Mr. Barrington, the Secretary to the Commission of Public Instruction, and on the very day on which the omission occurred. He begged the noble Viscount and their Lordships to understand that he did not object to Mr. M'Dermott's being one of the Commissioners because he was a Roman Catholic, it was because that Gentleman had been an industrious advocate, a zealous agitator, and he would add one of the most mischievous of the Members of the Roman Catholic Association—that was the very ground on which he thought him an unfit individual to be appointed by the Government to conduct so delicate an inquiry. Mr. M'Dermott admitted, that he had been a Member of the Roman Catholic Association, and that he had been chaired round the town after attending a public meeting. [The Marquess of *Lansdowne*, that was in 1827.] The noble Marquess said, that this took place in the year 1827, before the passing of the Act of Catholic Emancipation. Surely, however, the accident of Catholic Emancipation was not a purge for all the political misconduct which took place before it. If it were, it had an operation even more extraordinary than any it was thought to have. He must say, that when the Government had to look out for persons whose duty it would be to act under this Commission—a Commission the appointment of which excited in the minds of the Protestants great jealousy, apprehension, and suspicion that it was intended to destroy the Protestant Church in Ireland—they could not have done worse — they could not have taken any course tending more to fix those suspicions, ay, and to justify them, than that of going to the Roman Catholic Association and selecting from its most distinguished Members an individual to act in the capacity of Commissioner. Mr. M'Dermott now said, that he did make a speech at the meeting to which there had been allusion, but he denied having used the language ascribed to him. The speech was delivered on Sunday the 4th of November, 1827, in a Roman Catholic chapel in the town of Castlereagh — a town in the immediate vicinity of which he possessed some property. The reverend Robert Blundell spoke of Mr. M'Dermott as the well-known agitator, and stated that he recollected his being chaired through the streets in consequence of the attack he made in the Romish chapel against the Established Church, and particularly against Mr. Stoney, who was then the curate of a parish five miles from Castlereagh. He would read to their Lordships some of the language used by Mr. M'Dermott, and applied to Mr. Stoney. He described him as a " poor, mean, low, ill-coloured mountebank, a monkey person, and an arch Tory." This attack gave rise to the publication of a printed paper, which was circulated extensively in Mr. Stoney's immediate neighbourhood. The paper contained the language which their Lordships had just heard, and also some observations in which the Roman Catholic priests were called on to say whether the use of such scurrility as this, with reference to Mr. Stoney, was the fit way of carrying on a religious controversy. The paper so circulated was immediately answered by the Roman Catholic curate of the parish in which Mr. Stoney lived, and that answer did not contain a syllable as to the incorrectness of the language ascribed to Mr. M'Dermott in the report of his speech. Now, he must say, that in the absence of the proof supplied by a person who was present at the meeting, and heard the language used, he did not think it was possible to bring presumptive proof that would be more conclusive than that he had furnished against Mr. M'Dermott. It was true this speech was delivered before 1829; but he would put it to the noble Marquess whether a person who had used such language before 1829 was a fit individual to be intrusted with such an inquiry? But this was not all. Mr. M'Dermott continued to the present day to have the character of being an agitator; and Mr. Blundell stated that his being so considered confirmed the Protestants of Ireland in their opinion that the Commission was intended for the destruction of the Established Church. He had obtained some information, also, respecting another of the Commissioners, which was, that, though a Protestant, he had avowed himself hostile to all Church Establishment. He could furnish proof of that. This gentleman, whose name he did not wish to mention, was one of the second number of Commissioners appointed, and was also chosen by the noble Viscount.—[Viscount *Duncannon* asked the gentleman's name.]—It was Neil O'Donnel Brown. The appointment of Mr. M'Dermott was felt to be a proof by the people of the town of Castlereagh and its neighbourhood, that the object of this Commission was hostile to the Established Church. It was therefore deplored by the Protestants, and hailed with joy by the Roman Catholics. The gentlemen who had supplied him with information as to these facts were ready to substantiate them; there were no inquiries from which he had shrunk: indeed, he was at this moment below the Bar of their Lordships' House, and was quite ready to answer, either publicly or privately, any inquiries that it might please their Lordships to make of him. The right reverend Prelate then referred to a statement in the Appendix to Wyse's History of the Roman Catholic Association, from which it appeared, that in the year 1826, at the period of the general election, the Duke de Montebello having come over to visit this country, accompanied by M. Dubergier, determined also on travelling through Ireland. While in that country, they availed themselves of an opportunity that occurred, to be present at a great meeting which was held at Ballinaslough; and in a description afterwards given by M. Dubergier of that meeting, he remarked that Mr. Sheil having spoken (several had spoken before him), there appeared nothing more to do than to remain silent; but at last a young gentleman, whose name was M'Dermott, rose, and for a considerable time entertained the company." M. Dubergier, in allusion to the observations made by Mr. M'Dermott, remarked, "What will the Bishop of Thermopolæ say to this? The speaker declared it to be his opinion, that the State ought to have no established religion; that it should adopt neither one nor another; but it should preserve its neutrality between them all." Now it was intelligible to him why the Commission was issued. If the noble Lord did not intend to act fairly and justly with the Protestant cause in Ireland, in that case he did well in selecting those persons for Commissioners who had declared themselves hostile to all Ecclesiastical Establishments. But if, on the contrary, it was meant that the inquiry should be impartial and satisfactory, then he was quite sure that there was not one of their Lordships who had not himself been engaged in issuing the Commission, who would not say, that the Government ought most scrupulously, most religiously, to have abstained from sending any man to Ireland on a Commission, whose name could be coupled with the reproach either of agitation or of having expressed sentiments such as he had quoted. With respect to Mr. M'Dermott, he would not trespass much longer on their Lordships' patience; but he begged to be allowed to state to them one fact more. In the month of December, 1828, it was determined by the Roman Catholic Association to send a mission from Ireland to England, to represent to the people of England the wrongs under which the people of Ireland were suffering. That mission, however, never was sent, doubtless for very good reasons; probably it was thought that it might do more harm than good. The missionaries, however, were selected, and he would read their names to their Lordships. They were Mr. O'Connell, Mr. Sheil, Mr. Wyse, Mr. O'Gorman Mahon, and Mr. M'Dermott. He gave this statement also on the authority of Wyse's History of the Roman Catholic Association. He submitted to their Lordships, that he had fully established this, that, whether it was a merit or a demerit, Mr. M'Dermott was a notorious agitator.

The Marquess of *Lansdowne* would state distinctly what he meant by the words he uttered when he interrupted the right reverend Prelate. He meant to intimate then what he was prepared to state now, which was, that he did not think the act of being chaired round the town an unlawful or improper act. It was an act which before now he had known some very great persons not to decline being made the subject of; and his own opinion was, that it was not a very grave offence, or of such a penal character as to disqualify an individual from holding a public situation eight or nine years after the question, the discussion of which had occasioned the chairing, had been carried. He knew many persons, whose political sentiments and conduct underwent a very great change about the time the Roman Catholic measure was passed, and several of those whom he so knew, were very eminent individuals. He hoped that they were not to be considered as disqualified from filling public situations because of any change which their political conduct then underwent. All he intended to state was, that Mr. M'Dermott was, at that moment, charged by the right reverend Prelate with having been chaired round the town. He thought that was not—he would not even say a venal offence—it was no offence at all. The course Mr. M'Dermott had pursued was taken for the purpose of carrying a great and constitutional measure, and was perfectly consistent with the purity and loyalty of Mr. M'Dermott's character. He agreed with the right reverend Prelate that if Mr. M'Dermott was known to be a political agitator now, he was an unfit person to be selected by the Government as a Commissioner; and he never would have been so selected, if there had been an impression on the mind of his noble Friend that such had been Mr. M'Dermott's character. In making this remark he felt bound also to say, that so far as he had heard of Mr. M'Dermott, he had reason to believe that gentleman had kept his hands as clean, and his character as free from any intermixture of party politics during this inquiry as it was possible for circumspection to do. The noble Marquess concluded by saying, that he had great pleasure in finding from communications he had received from several of the Commissioners, that the ministers of the Established Church and the Roman Catholic priests afforded the utmost degree of facility to the inquiries the Commissioners had to make. They furnished information with frankness and candour; and when the object of the inquiries came to be distinctly explained to them, they did not exhibit even that degree of hostility which, from one quarter or the other, some persons had anticipated.

The Marquess of *Clanricarde* begged to bear his testimony to the fact that Mr. M'Dermott could not now be properly called a Roman Catholic political agitator. He would ask their Lordships to what purpose were the attacks now made upon the character of the Commissioners? The time had been allowed to pass when they could do any good; if they were well founded they ought to have been brought forward before. But now, when the Commissioners had made a Report which was, perhaps, not so agreeable to some ears, when many arguments and statements were founded on that Report which were, perhaps, not more agreeable—then, the Report being so unfavourable, perhaps—he did not say therefore—the only resource was to say that the Report was not to be believed, because the character of the persons who made it was so and so. The assertion that Mr. M'Dermott was a notorious Roman Catholic agitator, was unfounded. If he chose to look back for testimony he could show that the gentleman in question had been even termed a renegade, because he had not taken the part in politics of late that he did formerly. That he was an agitator in the years 1826, 1827, and 1828, he agreed. Nay more—he believed that he, with many others, writhed under the exclusion and disabilities to which the Roman Catholics were formerly most unjustly subject. But that he had done anything to show that he was a dangerous subject, that he was dead to the Constitution, or that he was an improper man to be employed on any question which, in the remotest degree, affected state policy, or in any matters requiring energy, or exertion, or judgment, or discretion, he denied. But the name of this gentleman, is was said, had been coupled with agitation previous to the year 1829, therefore he was not to be employed by the Government. Why, would the right reverend

Prelate tell him that his own name was not coupled with agitation before the year 1829? Did he not write certain pamphlets? Did he not attend public meetings? Did he not aid the cause which he advocated, by giving to it the influence which belonged to his great talents and high character? Who, in short, was not an agitator, when an important public measure was to be discussed, who had the energy and ability to come before his countrymen? He would say, that so far from the part which Mr M'Dermott took making a case against him, it was in his favour. He denied that his conduct had shown he was to be considered a disloyal man, or disaffected towards his Sovereign. He would say that Mr. M'Dermott was precisely the individual, on account of his connexion with the Roman Catholic Association, who should be employed on such an occasion. He had shown a just appreciation of, and that he was sensibly alive to, those grievances which both Houses of Parliament had since declared were grievances that ought to have been removed the moment they could be removed without danger. There was no proof of his being an agitator at the present time. He did not know whether it was Burke or Lord Plunkett who had said something to this effect, "I agitate because there is a grievance; I try to rouse the country to get rid of it; but that grievance being got rid of, I will follow my profession quietly." Such was the person to employ when opportunity offered. He repeated, that Mr. M'Dermott had not taken an active part in politics since 1829, and he could assure their Lordships that he was a gentleman of unblemished honour.

The Duke of *Wellington* said, he must confess he had not the confidence which the noble Marquess had in Mr. M'Dermott. He should not have troubled their Lordships with any observations on this occasion, were it not his wish to bring back the discussion to the point on which, in his opinion, it ought to stand. The noble Marquess said, and he admitted the truth of the observation, that it ought not to be an objection to an individual taking office that he had formerly been a member of the Roman Catholic Association. But in this case there was a particular inquiry to be instituted in Ireland affecting in a great degree the Established Church; and the question for the right reverend Prelates and the House to consider was this, whether a gentleman who had been an agitator—who had been noted as a Roman Catholic agitator—was a fit person to be selected as a Commissioner to conduct this Inquiry? He must say, that the right reverend Prelate, in his opinion, proved his case most clearly, for not only had he proved that this Gentleman was a Roman Catholic agitator, and a very forward Roman Catholic agitator—not only that he was classed amongst the first of those agitators, but also that he had in the most pointed manner declared himself an enemy of the Established Church. He would say, then, that if any reliance was to be placed on the former character of that Gentleman, he was a man who, of all others, ought not to be appointed to such an office. Now, really, that was the whole amount of this Question. It was nothing else than whether this Gentleman was or was not a fit person to be made a member of this Commission. Nothing could be fairer or clearer than the proof which the right reverend Prelate had given; and to that proof there could be no answer whatever.

The Marquess of *Clanricarde* said, the only evidence was that of a foreigner, who gave his description of what he had heard some eight years ago.

The Bishop of *Exeter* said, he found the account he had given in the appendix to the history of the Roman Catholic Association, and that history was written by Mr. Wyse, the notorious agitator himself.

Viscount *Melbourne* said, he lamented these discussions on account of their personal nature. The manner in which the Commission had been fulfilled justified him in saying that it had passed off without producing any of the bad effects on the public mind that, by some individuals, had been expected. Under these circumstances, he thought it would have been as well if the right reverend Prelate had forborne to come forward with his statements of facts, statements of opinions, statements of sayings asserted on one day and contradicted the next, giving rise to one debate and leading to another, and never coming to any satisfactory end one way or another on any part of the subject. The noble Duke declared his approval of the principle, that an individual ought not to be excluded from taking a public office on account of his having belonged to the Roman Catholic Association. Being of that opinion, could the noble Duke deny that there were many individuals in Ireland, who, having been active members of that Association, when the Question of Catholic Emancipation was carried, did give up the course they had been pursuing altogether? There were many who declared themselves satisfied with the measure, and who engaged no further in politics; and he did think that such persons, instead of being passed over, ought to be especially distinguished. Mr. Nicholas Purcell O'Gorman afforded an instance of honourable conduct such as he had adverted to. He admitted that the Commission ought to be composed of impartial individuals, but he could not think that a man having been a member of the Roman Catholic Association seven years ago ought to exclude him from being appointed a member of that Commission. Nor did he feel that the case was made any stronger by a report of an after-dinner speech delivered on the occasion of a meeting at Ballinasloe, so long ago as 1827. In conclusion he must say, that he did not think there was any foundation for the unlimited censure of which Mr. M'Dermott had been the subject.

The Bishop of *Exeter* begged to state, in justice to Mr. M'Dermott, that he did say on the occasion before adverted to, that he was equally against the ascendancy of his own church.

Lord *Farnham* should have thought that, at least, the Government ought not to have allowed the Gentleman to institute his inquiries in that part of the country in which his character was so well known. The noble Lord, in reference to the Irish tithe measure, said, that when that Bill came before their Lordships, if he found it was intended to suspend the benefices in those parishes in which there were not fifty persons, he should move that the Report of the Commissioners be referred to a Select Committee to ascertain whether it was correct or not. It might turn out, that if in any of such parishes there was a number of Wesleyans, and the Commissioners had not entered them as belonging to the Established Church, the effect would be to deprive those parishes of their pastors; whereas, if the Wesleyans were properly decribed, the parishes would retain their pastors.

Viscount *Duncannon* could assure their Lordships that he had made the strictest inquiries into the character, manners, and conduct of Mr. M'Dermott; the result of which was, that he considered that Gentleman perfectly qualified. With regard to the division of districts, that had been arranged in Dublin by the Commissioners themselves.

The Subject was dropped.

## HOUSE OF COMMONS,

### *Thursday, July* 2, 1835.

MINUTES.] Bills. Read a third time:—Loan Societies'.—Read a second time:—Clandestine Marriages' (Ireland).

Petitions presented. By Mr. BUCKINGHAM, from Swansea, against Drunkenness.—By Mr. SHAW, from Meath County, against the Influence of the Catholic Priests at Elections; from the Townland of Grange Clare, for the Abolition of Oaths at Elections, and for making each Townland bear the Burthen incurred, by Imprisoning and Prosecuting any of its Inhabitants; from the Schoolmasters of Dublin, for giving Endowed Scholarships to those who distinguish themselves on entering the University of Dublin; from Hacketstown, for Protection to the Protestant Church of Ireland; from a Protestant Congregation in Dublin, for Removing any Roman Catholics from the Legislature.—By Messrs. ROBINSON, LUSHINGTON, and GREEN, from several Places, against Parts of the Municipal Corporations' Bill.—By Messrs. PENDARVES, WARBURTON, WILBRAHAM and WASON, from several Places,—in favour of the same Bill.

INTIMIDATION BY THE IRISH POPISH PRIESTS.] Mr. *Shaw* presented a Petition to which he begged to call the especial attention of the House. The petition he said was from the freeholders of the county of Meath, and was most numerously and respectably signed. The character and station of the petitioners were in themselves enough to entitle them to the serious attention of the House, but the facts which they detailed, and the system of outrage which they complained of, were still more worthy of solemn consideration. The petition complained of an evil that was unhappily too often experienced in Ireland—the intimidation, the coercion, and the improper interference of the Catholic Priests at elections—a system that, if tolerated by the Government of the country, whose duty it should be, as its interests palpably was, to arrest the progress of clandestine revolution which was creeping on under the mantle of the Priesthood—would subvert all freedom of election, without which Parliament itself was a nullity—would untwist all ties of social union, and scatter throughout the country the seeds of animosity, dissension, and sedition. If these turbulent Ecclesiastics were suffered thus to awaken prejudices which had long slept, and to infuse new and pernicious animosities into the susceptible minds of the peasantry, there could be no security or hope that they would cling to the obligations that they before so ardently and faithfully cherished. There was no social or natural tie that these Priests, aided and abetted by the mob leaders, did not dissever. Brother was set against brother, father against son, neighbour against neighbour, and friend against friend. In the county of Meath, and unhappily in other parts of Ireland, this interference of the Popish Priests was pushed to its full height. The Priests not alone harangued their ignorant and credulous auditory from the altar, but harangued them in the open streets; nay more, mixed with them in their private walks, and laboured to sway the electors. Their chief aim appeared to be, as their boast indeed was, to detach the tenants from their landlords, and crush all the moral influence, save their own, which was brought to bear on the people. In their chapels they inculcated these principles of insubordination against the authority of the landlords. They went to the market-places and the cross-roads, and stopped the voters, to make them hear the anathemas that they fulminated against the infidel recusant that would dare gainsay the direction of the Priests, as the agents—the consecrated agents—of the Church, denouncing those who would vote for the Saxon Conservatives. The grand aim of all these schemes was to rouse the spirit of the tenantry in hostility against the landlords — to dissever all obligations between them. This hatred of the peasantry against the gentry was inculcated by the Priests under the penalties of temporal and eternal punishment, conflagration, houghing, or death; or, if that had not sufficient effect, damnation in the next life. The Priests were attended by supernumerary satellites well known in Ireland as street agents, fellows who went about to drag the electors, amidst the cheers and jeers of the mob, to the poll. There were two Priests pre-eminently active at the late election in Meath, whose conduct undoubtedly deserved serious investigation—Father Chute and Father Bourke. These worthy ministers of peace were not content with agitating and disturbing the districts they had the spiritual guidance of, but they went about exciting the flame of confusion throughout the whole country. From the altar and from public rostra they addressed the people, and whetted them to htostility against the gentry of the country. He would quote two samples of the rhetoric, the poisonous and seditious rhetoric, used by these worthies. Father Chute said, in alluding to a distinguished and amiable country gentleman, a member of the Grand Jury of the county, an improving landlord, "I know I shall outlive him; and when he his dead, you and I, my boys, will go and spit on his fœtid carcass." But this was not all Father Bourke, not to be outdone by Father Chute, told his auditory during the election that " they should get a coffin, throw a pall over it, and get four stout fellows under it, one at each corner, representing four leading gentlemen of the county, and, after taking the coffin in funeral procession through the town, to throw it into the river, as a symbol of the fate that should await the rural tyrants." It was not merely these denunciatory menaces that were objectionable. Gangs of men, headed by the Priests, went about at night through the county, dragging voters from their homes, and compelling them to vote for the Radical candidates. The hon. Member moved that the petitition be referred to the Intimidation Committee.

Petition referred to the Committee.

CLERKS OF THE PEACE.] Mr. *Fox Maule* brought up Returns of the Justices of the Peace in the several counties in England and Wales—also of the Clerks of the Peace for the several counties, and also of the number of Licenses granted to Victuallers in March, 1834, &c. The hon. Member stated that no Returns had been received from the Clerks of the Peace for the county of Buckingham, the West Riding of Yorkshire, the counties of Pembroke and Carnarvon. He begged leave therefore, to move that the House should order that those Returns be forthwith made.

Sir *Robert Inglis* said, that no provision was made to meet the expenses of the Clerks of the Peace on those occasions. It was not understood that they should be paid out of the county-rates.

Mr. *O'Connell* asked whether it was compulsory on the Clerks of the Peace to accept their offices? If not, they certainly should discharge the duties of the office.

The *Attorney-General* said, it was a mistake to suppose that the expenses of the Clerks of the Peace could be paid out of the county-rates.

The *Chancellor of the Exchequer* desired to know if any public officers could disobey the orders of that House until they were first paid for their services? Surely every public officer held office subject to the control of the House whenever information was required.

Mr. *Hume* said, that although that Question had been then for the first time before the House, it had on every occasion arisen before private Committees whenever it was required from Clerks of the Peace. The present was a most erroneous system. The county should, for the discharge of all duties, pay a fixed salary to the proper officer. He had lately seen a list of charges by a Clerk of the Peace to an amount so extravagant as not to be borne. In fact, every item was on the scale of a lawyer's charges for his professional services. The gentlemen of the several counties ought to put an end to that system, by allowing an annual salary sufficient to pay for the performance of every duty connected with the Clerkship of the Peace. He had, indeed, seen a list of salaries paid to Clerks of the Peace throughout England, and on the average they amply remunerated the Clerks for all the duties they performed in their counties, and were called on to do for the House. He supported his hon. Friend's Motion.

Mr. *Gilbert Heathcote* hoped the interests of the counties would be taken into consideration. Hon. Gentlemen were not aware of the heavy expense of those Returns. He had seen a Clerk of the Peace's account, one-fourth of which, and they were heavy, was caused by the Returns ordered by the House. If these Returns were necessary for the general service of the public, they ought to be paid for by the public, and not by the counties.

Mr. *Fox Maule* said, that the Clerks of the Peace for Buckingham and the West Riding of Yorkshire had promised to make the Returns. A partial promise had been obtained from the Clerks of the Peace for the county of Pembroke; but the Clerk of the Peace for Carnarvon, although he had the Returns made up, refused to give them unless his expenses were secured. He had, in his official capacity, called on the Clerk of the Peace three times for the Returns, but he refused, and declared his determination to abide the alternative of meeting any consequences.

The *Chancellor of the Exchequer,* in consequence of what had fallen from his hon. Friend, gave notice that if the Returns for Carnarvon were not made within a fortnight, he should move that the Clerk of the Peace for that county should be summoned to the Bar of the House.

Sir *Matthew White Ridley* suggested that the better way to regulate the matter would be, that the hon. Gentleman who moved for those Returns should pay for them.

Major *Beauclerk* thought the public funds should pay the expenses.

Mr. *Aglionby* said, that having moved for these Returns he would readily, according to the hon. Baronet's hint—have paid the expenses himself rather than they should not be made, so important did he consider them.

Mr. *Goulburn* suggested that a provision be made for those parties who were put to very great expense.

Motion agreed to.

CORPORATION REFORM—COMMITTEE.] Lord John Russell moved the Order of the Day for the House to go into a Committee on the Municipal Corporation Reform Bill.

Mr. *Cayley* rose before going into Committee on the Municipal Reform Bill, to call the attention of his noble Friend below him to the circumstance of existing corporations having, since the introduction of this Bill, entered upon the practice of letting out corporate lands and other property on long leases; of course on advantageous terms, and for which, one day or other, they would have an equivalent, at the expense of the interests of their trust. One instance of this kind he had heard of as having taken place in his own constituency, namely, the borough of Scarborough, where he understood they had never been in the habit of leasing out the corporate property. He had heard this on very good authority; and if it were true, it demanded the immediate interposition of the House, in order to render null and void any bargains of this nature. It appeared to him a gross contempt of the proceedings of this House, and he hoped his noble Friend would not fail to institute a remedy.

Lord *John Russell* was understood to say that the subject should be taken into consideration.

The House went into Committee on this Bill.

Clause 37 was proposed.

Sir *Robert Inglis* moved the Amendment of which he had given notice, to the effect "that Municipal Officers should take the oaths of allegiance before they could perform any of the duties of their office." He said, in rising to suggest an alteration in this Clause, that, except as to the other Clauses of which he had given notice, he should not take any other opportunity of calling the attention of the House to the Bill, till the more regular opportunity; viz. the bringing up of the Report. But with respect to this Clause, he should have no other opportunity of coming to a conclusion upon the subject but by proposing an Amendment. The Clause in question permitted that the Mayor in Council could not act until they had made a declaration. The object he had in view would be effected by striking out the word "declaration," and substituting for it the word "oath." He knew that in these times there was a great indisposition on the part of the House to multiply oaths, but he requested attention to the fact that he was asking them to do that which was already done. He called upon the noble Lord who introduced the Bill to state to the House whether there was in that Bill one single office from the highest functionary to any of its lowest officers—one office in which the person appointed to it had not taken an oath upon his entrance into it. His objection to the declaration was not merely that it was a declaration instead of being an oath; but that it was a declaration not of conscience but of opinion; the party stated "that he would discharge his duties according to the best of his judgment, &c." His objection, he repeated, was, that it was a declaration, and he wished to direct it not to the judgment merely, but to the conscience, the moral sense, of the individual by whom it was to be taken. He had said he believed that not all the inquiries of the noble Lord, no nor even the antiquarian researches of the Attorney-General would enable him to produce a single instance of any Corporation in England from far distant times to the present, from the highest officer down to the lowest, in which the duties discharged by that officer had not been imposed under the sanction of an oath; and more than that, it was an oath to discharge his duties as a subject of the King. Last year on the Motion of his hon. Friend the Member for Lancaster, that House ordered Returns of all the oaths taken in the City of London. He did not venture to suppose that many Gentlemen who heard him had read that Return; but with scarce an exception, every one of them was an oath to the King himself. The first office,—viz. that of the Lord Mayor swore, that he would "well and faithfully serve the King's Majesty in the office of Mayor." The Aldermen swore to serve "their Sovereign Lord the King in their office." His objection to the Bill was, in part, (he had many objections) but the Bill seemed to recognize much more the democratical, than the monarchical part of the Constitution. In every part of the Bill there was a want of that recognition of the King's rights which such a Bill ought to present. Objecting, therefore, in the first place, to the novelty now introduced, of substituting a declaration for an oath; objecting to the terms of the declaration itself, as binding, not the conscience, but merely the opinion of the party; objecting to the terms of the declaration upon this ground also, that it failed to recognize the duty of the party as a subject of the King, he felt much inclined to take the sense of the House upon it, but in order (knowing well what, in the present state of the House, the result of such an appeal would be)—in order, as he was very anxious to do, to discharge his duty according to his own sense of obligation, though he should propose his Motion he would not give the Committee the trouble of dividing upon it. But he thought he was not asking too much of the noble Lord, the Home Secretary, when he asked him to contradict, if he could, the fact, that this was the first instance, in the history of Municipal Corporations of England in which any man had ever been admitted to a public office who had not first given to the King the pledge of his allegiance upon oath—who had not, in the second place given to his colleagues in the administration of such Municipal Corporations, the equal sanction of an oath, to discharge his duty. He called upon the noble Lord in the last place, even if he differed from him upon the general principle of substituting the declaration for the oath, at least to permit him (Sir Robert Inglis) or (which would be much better) to take upon himself the task of supplying those parts of the declaration which he deemed deficient;—viz. that part when he took the oath or the declaration, to insert words binding him to the King, that he would faithfully discharge his duty as a subject of the King, and to his colleagues or to his constituents, that he would discharge his duty not only to the best of his judgment and ability, but to the best of his conscience. With these remarks he would conclude, by moving that in the 25th line, the word "oath" should be substituted in lieu of the word "declaration."

Lord *John Russell* was of opinion that the removal of oaths in every case in which it was possible tended to strengthen the efficacy of those oaths which were allowed to remain. He did not think the present one of the cases in which an oath ought to be retained. As the hon. Baronet did not mean to press his Motion to a division he would not occupy the time of the Committee in discussing it.

Amendment withdrawn, and the Clause agreed to.

Clause 42 having been proposed, relating to Town Clerks and other officers of the borough.

Lord *John Russell* said, that he proposed to make an alteration in the Clause, by which, after the word "borough," the words "every year," should be inserted. The effect of this alteration would be, that the officers who filled those situations specified in the Clause would be removable at the expiration of each year. It was intended, however, that though this power was conferred on the Council, it should not be exercised except on such grounds as imperatively called for their interference.

Lord *Stanley* rose to move his Amendment of this Clause, which was to the effect, that the Town Clerks hereafter to be appointed should have a tenure of office during good behaviour. The noble Lord opposite (Lord John Russell) had made some alteration in the Clause as it originally stood; but the effect of that alteration would be that the question of the propriety of continuing the Town Clerk in his office would be one annually submitted for the decision of the Council. Now, the Amendment which he meant to propose was directed towards the attainment of a very different purpose—namely, that when a respectable individual, one well qualified to fill the office of Town Clerk, was once appointed, he should not be subject to removal at the caprice or wish of a certain portion of a constantly fluctuating body, such as the proposed Council was intended to be. He did not propose his Amendment with any view of affecting by it the appointment of the other officers of the proposed bodies to which the Clause referred; but he was decidedly of opinion that when the Town Clerk was once chosen, he ought not to be exposed to the chance of dimissal but should be allowed to retain his office, except some charge of misconduct were proved against him. There might, perhaps be even some restrictions beneficially imposed on the powers which the Council would possess with respect to other officers of those Municipal bodies; but with regard to the Town Clerk, he was one, of all others, whose tenure of office it was desirable to have as permanent as possible. For what were the duties of the Town Clerk? He was aware that those duties would be considerably diminished by his being released from the part which he hitherto took in the criminal jurisdiction which belonged to Magistrates; but he would have still many functions to discharge which were of the highest importance. It should be recollected that the Town Clerk would be still the confidential adviser of the Council, and the individual upon whom the conduct of their legal proceedings generally devolved. Hardly a year could pass but the Council would be engaged in some lawsuit; and if, therefore, the Town Clerk was to be removable, not according to the decision by whom he was appointed, and on whose countenance he might, during good behaviour, rely; but according to the feelings and opinions of a different body, who had different objects to attain, and different personal views to answer, the result would be, that not merely an act of comparative injustice would be inflicted on the Town Clerk, but that the greatest embarrassment in the local, and particularly in the legal, business of the Council, must inevitably ensue. A new Town Clerk might, at the expiration of a year or two, be thus appointed, who would be called on to conduct proceedings with which he was necessarily unacquainted (his nomination to his office being subsequent to their commencement), and his ignorance of which must cause delay, or entail additional expense on the borough. The man who was previously in office would leave, in all probability, a mass of documents (and every one acquainted with corporate towns must be aware that the papers and documents belonging to the Corporations were very voluminous) which it would be necessary for his successor to examine, and which he could do only with great delay and expense. But the noble Lord saw the inconvenience of the Town Clerk being liable to be removed annually, and he seemed to admit that he ought to be allowed to remain in office during his good behaviour. But how did he seek to effect this object? The noble Lord might have great confidence in the entire purity of the new corporate bodies; he might have the strongest reliance on the prevalence amongst the members of constantly changing bodies; but the respectable attorneys throughout the country might not be exactly of the same opinion as the noble Lord, and the House might find, after a short period from the time at which this Bill would be carried into operation, that respectable attorneys would not be willing to accept the very important office of Town Clerk (important in the eyes of such individuals, not from the emoluments derived from it, but on account of the degree of dignity which it conferred on those who held it) from which they would every year be liable to be removed, or at all events to have the proofs of their good conduct and the claims for their continuance in office, annually made the subject of debate in a popular assembly. If this should be the case, they would, by passing such a Clause, inflict great and serious injury on the local interests of the towns throughout the kingdom, by depriving them of the services of men as Town Clerks who had no other object to attain but the acquisition of that honour which in such a sphere the possession of such an office conferred; and substituting a class of individuals, who, being intrusted with the guardianship of great, important, and permanent interests, would look to this and this only—by what sacrifice of the public interests they might be introduced into office, or continue in its possession. As he said before, he did not wish to take away from the Councils the power of removing their treasurers, clerks, and collectors, which was given them by the Bill, but he was desirous that due protection should be given to those who held the higher offices under it. It had already been admitted that the office of coroner, which was under the control of the same body as that to which his Amendment referred, should be held during good behaviour. It might be said, however, that the office of coroner was a judicial one, and, therefore, ought to be exempted from frequent election; but he would contend that the duties which devolved upon the Town Clerk were of an equally important and permanent nature, and that his office was one which should be peculiarly kept out of the influence of local animosities and little private jobs which might frequently arise in a narrow sphere, but of which the Members of that House, as they were not affected by them, could scarcely have any knowledge. The tenures by which Town Clerks held their offices under the existing system were various. At Hull, for instance, they were appointed under the sign manual. They generally, however, held their offices for life; and the effect of the Clause then before the House would be to confer on a fluctuating body a larger share of power with regard to the persons who should be appointed to such offices than the present permanent corporate bodies possessed. On these considerations, and with a view to the good government of the boroughs to which this Bill applied, he felt bound to submit his Amendment—not, however, with the expectation in the present state of the House, of having it adopted, if he should press it to a division. All he desired was —not a positive answer from the noble Lord, as to whether or not he would accede to his recommendations, but some intimation that before the Report was brought up, he would take that part of the Clause which applied to the office of Town Clerk into his serious consideration. The noble Lord concluded by proposing as an Amendment, that Town Clerks should hold their office during good behaviour.

Viscount *Howick* admitted that great inconvenience must arise from constant changes being made with respect to the persons who should in future fill the office of Town Clerk. Every Gentleman in that House must know that it was with great inconvenience and difficulty that the management of his private affairs were taken out of the hands of an agent, to whose care they had been, for any considerable period, intrusted. That was an inconvenience which, no doubt, arose in an equal degree from frequent changes as to the persons who should fill the office of Town Clerk. It was certainly true that the Town Council might be a fluctuating body, and might have different objects to accomplish at different periods, but he took it for granted that the Town Council for the time being, however their views might vary on other matters, would be uniformly influenced by a desire to maintain their own rights to their full extent, and to carry as far as possible all their legal claims. It would, in fact, be their first object to promote by all means their own interests. Therefore the person most likely to ensure his continuance in office was the Town Clerk, who had for the longest period remained in office, and who had consequently acquired that experience which best enabled him to serve those by whom he was employed. But if his tenure of office was made not really and practically during good behaviour, as the Clause signified, but according to the Amendment of his noble Friend—legally and technically during good behaviour—so that the office should be held until proved misconduct was urged against its possessor—the effect would certainly be, that the Town Clerk would be made independent, but the Council would as certainly be rendered dependent on him. His noble

Friend must be perfectly aware that in existing corporations the Town Clerk was the life and soul of those bodies. They were in truth mere puppets played by his hands, and managed entirely at his pleasure. That was a state of things which he did not consider it desirable to prolong. He was desirous that the Town Clerk should be an officer having a reasonable security for the tenure of his office—that he should be a person not altogether independent of the Council, but *bonâ fide* their servant, and therefore liable to the just exercise of their authority. So much with respect to what might be called the legal duties of the Town Clerk; he should next say a few words as to the working of the Clause as regarded the inhabitants of the towns, and amongst them the claimants for this office. The fears of the noble Lord as to the probability that no respectable practitioners would seek the office of Town Clerk under this Bill were, he had good reason to believe, without foundation, for he knew that there was at this moment an active canvass going forward throughout the different towns for the office of Town Clerk by persons well qualified to fill it. As to the condition on which the noble Lord agreed that an individual should be removable from this office—namely, his misconduct, he considered such a condition as tending to raise the very embarrassing question, what was misconduct, and who were to be the judges of it? Misconduct in a judicial capacity might be tried by a few and simple tests, such as partiality and unfairness; but those which applied to the office of Town Clerk were far more numerous and diversified; for inattention, negligence, want of activity, zeal, and ability in the discharge of the duties which it imposed, constituted, in his opinion, amongst many others, strong grounds for the dismissal of any person from the situation who was fairly open to such charges. These faults were such, however, as, though they might eminently disqualify for the office, were not at all likely to be urged under the vague imputation of "misconduct."

Sir *Robert Peel* did not consider the arguments of the noble Lord who had just addressed the House perfectly conclusive in favour of retaining the Clause as it stood. The noble Lord, for instance, in the first place, stated that one of the grounds on which the Town Clerk would, under the proposed Bill, be sure to be continued in office, was the difficulty of getting rid of him. Was there, then, to be such a want of fixedness of purpose amongst the new bodies—were they to be so completely subject to unjust influence, as that an officer appointed under them had no other security for the tenure of his office than their inability to go on without him. The noble Lord had argued almost entirely for the vices of the present system. Every deduction which could be derived from the working of the existing corporate bodies, the noble Lord enlisted into his service. Now, he thought that these bodies would be subjected so completely to the influence of popular opinion, and that the duties of their officers, and amongst others, their Town Clerk, would be so clearly defined, as that it would be almost impossible they should do wrong, and consequently be subjected to the loss of office, except by wilful and gross misconduct. The noble Lord appeared to be labouring under some mistake as to the practical effect of this measure, or he took a very despairing view of it, and seemed to entertain much less confidence in the exercise of public opinion than could have been expected. The noble Lord had stated that a canvass was already going forward for the office of Town Clerk. Certainly these canvassers must be gifted with the keenest scent of office of any men who ever existed, for be it recollected, it was the Council who had the power of nominating to the office of Town Clerk and the solicitation must be directed to a Council not yet in existence, which was to be chosen by burgesses, not yet made. The reasons which induced the House to give the coroner his tenure of office during good behaviour, applied to the Town Clerk, for the duties of both were analogous. For his part he thought all legal appointments should be permanent, and he regretted that it was not customary to continue in office the Attorney-General on a change of administration. He ought to be a man who from long experience was well acquainted with the duties of his office, and was active in the performance of them. There was no reason why the Attorney-General should be a political officer more than a Judge.

The *Attorney-General*: Nothing should induce me to hold office under men from whom I differ in politics.

Sir *Robert Peel* resumed. He was only speaking of an Attorney-General in the abstract, he was making no particular allusion to the hon. and learned Gentleman. Crambo had found it impossible to form an abstract idea of a Lord Mayor without imagining some particular individual clothed in the robes of office—gold chain, furred gown, and the other exterior manifestations of the civic dignity. But he merely spoke of an Attorney-General in the abstract,and regretted that that hon. and learned Gentleman sitting opposite to him had, by his impatient political virtue, tended to disturb his abstract idea of an Attorney-General. He had, however, known instances in which Attorney-Generals had remained in office when a change in the Administration had taken place. [The *Attorney-General*: I would not do so.] The chivalrous declaration of the hon. and learned Gentleman was favourable to his view; for it went to prove that if the office of Town-clerk were made a political one he would be deprived of his office every time a change took place in the dominant party in the Council. Would not this be the language held in the different boroughs by those from whom the town-clerk might differ in politics:—"True, he discharges his duties exceedingly well; we have no fault to find with him on that head; but then there are dozens of our own active partisans here, of known adherence to our political opinions, and one of whom we are, therefore, bound to appoint to his office." Such was the principle which had been declared by the hon. Member for Nottingham when he stated that he could not permit Lord Ellenborough's nominee to remain in office, and recommended his Majesty to remove Lord Heytesbury, and was such a principle to be acted on in every borough in the kingdom." Then again, according to the principle of the hon. and learned Gentleman, not only will political opinions influence the elections of legal officers, but if the town-clerk, for example, entertained certain views in politics which differed, or which he thought differed, from the opinions which prevailed in the Council, he would be bound according to the praiseworthy declaration of the hon. and learned Gentleman, immediately on ascertaining the fact, to tender his resignation. He only put this case hypothetically; and he trusted that the town-clerk, when once appointed, might rely on his personal integrity and character as a security for the permanent tenure of his office, and might feel convinced, that when he once lost that security he could no longer retain office against the good sense and feeling of his fellow-citizens. It certainly appeared to him to be of great importance, that as the Council was a fluctuating body, and as two-thirds of them retired annually, that such an officer as the town-clerk should hold office during the continuance of his good conduct, and that the services of an officer of the Council should be thus secured; a man who could answer those inquiries which would be likely to be made by a new Council, who was acquainted with all the points of law referring to them as a body, who was in possession of all their records, and who had a personal interest in promoting the welfare of the borough. He thought that on the principle that the Speaker of that House was appointed during the existence of the Parliament, without its being necessary to hold over him the constant control of annual rejection, it would conduce to the respectability of the office of town-clerk, and of the man who filled it, if the tenure of office were permanent and dependant only on good behaviour.

Mr. *Poulett Thomson* said, that while he was of opinion, that frequent changes were highly undesirable, he thought the nature of the Town Clerk's office rendered an agreement in political opinion between him and the Town Council absolutely necessary. The Amendment of the noble Lord, however, went to render that office permanent, rendered his removal impracticable unless for fraud or felony, and thus enabled him to set the council at defiance. He was of opinion that the course adopted by the Bil was the best; for, while it rendered it easy to dismiss the Town Clerk, it rendered it impossible to dismiss him for any trivial cause, or anything short of the displeasure of the majority of the Town Council. With respect to what the right hon. Baronet had so facetiously observed, on the canvass going on at present for the office of Town Clerk, though there were no burgesses as yet appointed, and no Town Council—the electors in the case—in existence, he should only say, that the burgesses, though not as yet appointed, were pretty well ascertained, and also that it was tolerably easy to foresee in every borough who would be the Town Councillors. Therefore, the argument of the right hon. Gentleman derived from the ludicrous assumption which he put, was worth the laugh it caused, and no more. In point of fact, he knew of his own knowledge in one borough, that an active canvass for the situation of the Town Clerk was actually on foot at that moment. So much, therefore, for the right hon. Baronet's supposititious case. He hoped the Committee would adopt the clause as it stood, and give a power of removal to the Council. He particularly hoped so, as to do otherwise would be to depart from the general principle of the whole Bill, which was to place the power of appointing all the Municipal Officers of the borough in the hands of the people.

Mr. *Tulk* said, that he knew a place where an active canvass was going on for the office of Town Clerk.

Lord *Stanley* observed, that the arguments on the other side altogether made in favour of his proposition. They were encouraging the doctrine, that the office of Town Clerk should be a political office. They were now canvassing on the relative strength of parties. They were making a legal and professional office a political and party office. The result of the canvass was not to be determined by the personal and professional character of the candidate, but by his politics and his party zeal, and the office was to be obtained by the man's political adhesion to the dominant party at the time being in the borough. They told him, that if the borough generally changed its politics, it would be a good ground for changing the Town Clerk; and now they, in fact, offered it as a prize for political support. The appointment would be a standing job. He did not say this with reference to the Representative in that House, for which it would be too contemptible, but with respect to Corporations. They were on the system proposed laying it down as a foundation for truckling for borough office upon political grounds. The Town Clerk would have to look anxiously to every change of politics in the Council, to every, the minutest, change in the Government. They would be laying the foundation of corruption in that which they desired to have pure. If they wished to have the office filled by respectable professional men, who would occasionally, be it remembered, have to do unpopular work, they should accede to his proposition. Suppose the Town Clerk was concerned for the borough in any legal affairs against any influential political persons there, how was he to execute his duties? The local affairs of the borough must in such a case infallibly suffer. He really would beg to appeal to the good sense of his noble Friend opposite. His noble Friend's Government would have the first appointments which would be made under the excitement of change, and in the full freshness of odium against the old Tory Corporations. He, therefore, could only wish to preserve the Friends of the existing Government in office, for they would be elected till they misconducted themselves. If he had seen the least sign of his noble Friend's disposition to accede to his proposition, he would not have troubled the House with a word further. He had not intended to press the question to a division, but now he should certainly do so, though he knew it was useless as to the result. He was anxious, however, to record his own opinion. [Mr. *Tulk*: In the borough I alluded to, the appointment would be given to a Tory.] That made no difference to his argument. He would move, that the words "during good behaviour" should be substituted, for the words following in the Clause, "to be removable at their pleasure." He explained, that he only meant the new words to apply to the office of Town Clerk.

The *Chairman* suggested, that the noble Lord's object would be better attained by moving, that the words "Town Clerk" be left out.

Lord *Stanley* adopted the suggestion.

The *Attorney-General* said, that in many Corporations the Town Clerk was now appointed annually, but, notwithstanding this, was, if he conducted himself properly, constantly re-elected year after year. As to the functions of a Town Clerk they were Ministerial. They were analogous to those of the Clerks of the House. It was not necessary that the Town Clerk should be the Solicitor for the Corporation. He did not think the Town Clerk ought also to be the Solicitor. He should say, too, that if the Town Clerk had Municipal functions to discharge, he should go out with the change of his party. It was true, as the right hon. Baronet observed, that there was a case of an officer's continuing to hold his place under a new Government, differing widely from that which preceded it. He blushed to say, that he knew one instance in which an Attorney-General did remain in office after his friends had left power. But he could assure the right hon. Baronet that no consideration would have induced the Law Officers of the Government which preceded the right hon. Baronet's to continue to hold their places under his Administration. [*A voice, "were you asked?"*] He had not been asked. No question had been put to him—no lure held out. He also admitted, that the right hon. Baronet had made a most excellent selection of his Law Officers. But he was sure the right hon. Gentleman would allow that he knew if the offer of remaining had been made to him, it would not have been accepted.

Mr. *William Williams Coventry*: In

London the Town Clerk and other officers were elected annually, and there was no instance of a man's being removed unless when guilty of improper conduct. The office of Town Clerk had been held by the present Clerk and his father for a period of twenty-five years, and added, that some officers had occasionally sums of money in their hands amounting to 80,000*l.* or 100,000*l.* The best security for good conduct was, in his opinion, found to be in the power of removal at pleasure.

Mr. *O'Connell* thought the noble Lord was quite right in not wishing to have the appointment of the Town Clerk made a job. The question was, whether the appointment as proposed in the Clause, would or would not be a job. Certain he was, at all events, that if this officer were to be appointed during good behaviour, it would become a permanent job. If this were to be the arrangement the Town Clerk would be the master, instead of the servant, of the Council. The noble Lord, in speaking of the Council, and especially of the appointment of the Town Clerk, had spoken of it as a job too contemptible for that House to deal with. "I should be glad to know (continued the learned Gentleman) if any job can be too contemptible for this House to deal with. I should be glad to know how the noble Lord, sitting where he now does, can talk of any job as too contemptible, for what job was too contemptible, for those around the noble Lord to deal with? The noble Lord should not speak in this strain.

Lord *Stanley* (who sat on the Opposition Bench) said: The words which I used were "too contemptible to have the Members of this House affected by, and therefore unknown to them."

Mr. *O'Connell:* What the noble Lord said was, "too contemptible to think of."

Lord *Stanley*: I ask the hon. and learned Gentleman to explain what he means.

Mr. *O'Connell:* I mean precisely what I say.

Lord *Stanley:* Sir, I wish to know what is the meaning which the hon. and learned Gentleman attaches to his words in the face of the House; and in the face of the House I demand an explanation of them. I have a right to stand on my character, when that character is assailed publicly; I am bound to defend it particularly when the attack comes from one who neither here nor elsewhere is prepared to vindicate his assertion. I have a right to ask what the hon. Gentleman means, sitting on the side of the House which he does, by addressing this side of the House, and stating that I have no right to speak of any job as being too contemptible.

Mr. *O'Connell:* I congratulate the noble Lord on his extreme valour. I rejoice at it. If he had attended to my words, and repeated them correctly, there would not have been the least occasion for this ebullition.

Lord *Stanley*: Then let the hon. and learned Gentleman repeat his words.

Mr. *O'Connell:* I asked, whether there was any job too contemptible for the side of the House, on which the noble Lord sits, to think of.

Lord *Stanley:* I rise to order, I wish to know whether it is consistent with the observance of order in this House, that any hon. Member sitting in the place in which the hon. and learned Member sits, can speak of "any job as being too contemptible to think of?"

Mr. *O'Connell*: If the noble Lord had allowed me to finish, he would have seen that there was no necessity for his interruption. I added to my former remark, that I did not see how, sitting in the place in which the noble Lord sat—I wondered how he could consider any job as being too contemptible to think of. I said that, and I repeat it.

Lord *Sandon:* If the hon. and learned Gentleman meant to make the charge generally, he would tell him that he had no right to consider those who sat at that side as being capable of jobbing.

Mr. *O'Connell:* I did not attack individuals, but of a side of the House. I did not charge the noble Lord particularly with adopting jobs, though from the violence with which he met my observation it would appear that he for the first time consented to pass a thought on them, however he may desire to have us imagine that a thought about them could never enter his mind. I go further—I put the case individually, and I ask whether every man of us would not be more likely to become permanent jobbers if we had a permanent tenure of our seats here. The noble Lord's argument that these Councils being political Councils, should therefore choose their officers according to their political opinions, was not a sound one. Politics might occasionally interfere with their proceedings, but they would be generally constructed with a view to local interests or urban purposes. If, however, you have permanent Town Clerks, you will have permanent politicians, and these invested with such a share of power as to render them permanent jobbers. They would be men not attending to municipal business, but jobbing from year to year in politics, and they would be ready to sell their politics whenever they found a market for them. The more independent of popular control you render these men, the more do you necessarily expose them to the temptation of becoming jobbers.

Lord *Stanley* regretted to interfere, even for the shortest possible time, with the regular and orderly proceedings of the Committee; but he trusted that, under the peculiar circumstances of the case, the Committee would bear with him if he alluded to the attack which had been made by the hon. and learned Member for the City of Dublin on himself personally, and on the body of Members in that House from whom he differed in some points, and with whom he agreed in others, but by whom it so happened, by the arrangement of the House, that he was surrounded. The hon. and learned Member for the City of Dublin had spoken of him as sitting on that (the Opposition) side, and had coupled that remark with an accusation which he trusted it was quite unnecessary for him to take the trouble of throwing off in that House, and of which he should certainly take no other notice. But as the personal attack thus made upon him, although of no importance in that House, might be considered so out of doors, where the circumstances of a Member sitting in one place, or sitting in another place, was not so well understood, he would trouble the Committee with a few words on the subject. At the commencement of the present Session of Parliament, and when the country was under a different Administration, he had felt it his duty to adopt the line of conduct prescribed to him by his conscience and his feelings. Being unable altogether to agree with the then existing Ministers, and yet being determined to manifest towards them no factious or violent opposition, he had taken that place in the House which was considered a post of neutrality between contending parties. On a change taking place in the Government he maintained the same place and the same determination; and, so far as he could do so, consistently with his own opinions, he had shown no hostility to the Government of his noble Friend. But some observations which had been lately made, rendered it necessary for him to depart from the situation which he had hitherto occupied. In doing so, however, he by no means departed from the principles by which he had hitherto been actuated; they remained unchanged; and, whether in public or in private, he should continue to pursue the course which he had felt it his duty to adopt. But when he found, on successive nights, that he was sitting on the same side with men who, if in the discussions which had taken place on the details of the measure under consideration (a measure the progress of which he was as anxious to forward as any man), a division occurred, hailed his return to his seat after that division with cheers, personally insulting to himself, and clearly indicating the opinion of the persons from whom they proceeded, that he was not fit for their society (in which opinion he humbly acquiesced); when he saw this feeling so plainly indicated that it was impossible to mistake it, he felt it to be his duty, especially after the comments of the public press on the subject on the following day, and desirous as he was on the one hand not to provoke offence from others, and on the other hand not to give offence to them, to withdraw from a society which so evidently wished to be relieved from his presence. To those persons who might think it worth their while to conjecture the motives for the step which he had taken, he repeated, that he came to the place which he then occupied (the Opposition Bench) because he did not wish to hear observations calculated to give offence, and because he did not wish to say anything calculated to give offence to others. In the place which he had recently occupied, he constantly heard observations on friends of his, which in private life could not be passed over, although in public they could not be noticed; and those observations proceeded from persons who were not prepared to justify them either in public or in private. ["*Hear!*"] He had thus availed himself of the personal attack which had just been made upon him, to set himself right with the public, and state the causes by which he had been actuated in his change of position. Whether he sat on one side of the House or on the other, he would make no further reference to the accusations which the hon. and learned Member for the City of Dublin had thrown out wholesale against the hon. Members near him, and against himself personally. Feeling as the Committee did, as Gentlemen and men of honour, he was sure they would allow that what he, as a gentleman and a man of honour, had said, was only what was necessary in his own vindication.

Lord *John Russell* would trespass on the attention of the Committee for only a single moment. It had given him great pain, as his noble Friend well knew, that the difference of opinion had taken place between them which occurred last year. He also regretted the course which his noble Friend had pursued this year, as well as the other differences of opinion on matters of policy which had occurred between them; and which had occurred to such an extent, that whenever a division took place in that House on any contested point, his noble Friend and himself were generally found on different sides. With respect, however, to the seat which his noble Friend might think fit to occupy, that was certainly a matter entirely for his own decision: and he (Lord John Russell) would not take the liberty of making a single remark upon that subject. But as to the cheers to which his noble Friend had alluded, as having taken place at the close of some of the divisions, he must say, that he thought they proceeded rather from a disposition to excite a laugh, than from any more serious motive; and that his noble Friend attached too much importance to the circumstance. With regard, too, to the comments of the public Press, he thought his noble Friend would better pursue the course of duty to himself by disregarding what was said without the walls of that House, rather than by permitting himself to be influenced by comments which they all knew appeared day after day, and which were frequently couched in terms of great violence and bitterness. His noble Friend had stated that his opinions were not changed by his change of place. He had no doubt of it; but he could assure his noble Friend, with regard to the whole course of his public conduct, both when he (Lord John Russell) had the good fortune to agree with his noble Friend, and when he had the misfortune to differ from him, that he was thoroughly persuaded that if there was any man on whom no imputation of unworthy motives could possibly be cast, and who acted universally on his own convictions of right, that man was his noble Friend. No part in politics which his noble Friend might take would ever induce him to believe that he acted from any other motive than his own sense of honour.

Mr. *Cressett Pelham* thought the circumstance which had just taken place highly important—so important, indeed, that he did not consider it right, in justice either to himself or to the House, to allow it to pass unnoticed. The question was, whether hon. Members were to come there to be the servile slaves of a party. He conceived that he had a perfect right to take his place in whatever part of the House he chose. It had happened to him to change his seat; and in his experience he had seen hon. Gentlemen change their seats very often. He was sorry to hear a noble Lord apply the term "puppets" to Town-Clerks. It was but justice to his constituents at Shrewsbury to say that that was not the case in that town. At the same time he thought a Town-Clerk should not be a political Town-Clerk.

The Committee divided on the Amendment: Ayes 65; Noes 125; Majority 60.

### *List of the Noes.*

Aglionby, H. A.
Anson, Sir George
Attwood, Thomas
Bagshaw, John
Baines, Edward
Baldwin, Dr.
Barclay, David
Baring, F. T.
Barnard, E. G.
Bellew, P. M.
Bewes, Thomas
Biddulph, Robert
Blackburne, John
Blamire, William
Blunt, Sir Charles
Bodkin, J. J.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, Joseph
Browne, Rt. Hn. D.
Burdon, W. W.
Campbell, Sir John
Cayley, E. S.
Chalmers, Patrick
Chapman, M. L.
Clay, W.
Crawford, W.
Crawford, Sharman
Curteis, H.
Dennistoun, A.
Dillwyn, L. W.
Dykes, F. L. B.
Elphinstone, Howard
Ewart, William
Fergusson, Rt. Hn. C.
Fergus, John
Fielden, John
Fitzsimon, C.
Fitzsimon, N.
Forster, C. S.
Fort, John
Gaskell, Daniel
Goring, H.
Grote, G.
Hawes, Benjamin
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hindley, Charles
Hodges, Thomas L.
Holland, Edward
Hoskins, K.
Howick, Lord
Jervis, John
Lennard, T. B.
Lister, E. C.
Lushington, Dr.
Lushington, C.
M'Cance, J.
M'Leod, R.
Maher, John
Mangles, J.
Marjoribanks, S.
Marsland, H.
Maule, Hon. Fox
Molesworth, Sir W.
Morrison, James
Murray, John A.
Musgrave, Sir R.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, More
Ord, W. H.
Oswald, J.
Parker, J.

Parrott, J.
Pease, J.
Perrin, L.
Philips, Mark
Pinney, W.
Potter, Richard
Poulter, J. S.
Power, James
Ramsbottom, John
Rippon, C.
Robinson, George
Roche, W.
Rolfe, R. M.
Ronayne, Domk.
Rundle, John
Russell, Lord John
Russell, Lord Charles
Ruthven, E.
Ruthven, E. S.
Scholefield, Jos.
Seymour, Lord
Sheldon, E. R.
Smith, B.
Spiers, A. G.
Stewart, P. M.
Steuart, Rt.
Stuart, Lord D.
Stuart, Lord Jas.
Strutt, Ed.
Sullivan, R.
Talbot, J. H.
Tancred, H. W.
Thomson, Rt.Hn.C.P.
Thornely, Thomas
Trelawney, Sir W.
Troubridge, Sir Thos
Tulk, C. A.
Villiers, Charles
Vigors, N. A.
Wakley, Thomas
Walker, Richard
Walker, C. A.
Warburton, H.
Ward, H. G.
Wason, R.
Wilks, John
Williams, W. A.
Williams, W.

Teller.

Stanley, E. J.

On the question that Clause 42 stand part of the Bill.

Mr. *Hughes Hughes:* Before that Clause was passed he begged again to draw the attention of the noble Lord, the Secretary of State for the Home Department, to a point which he had raised when Clause 3, which enacted the style of the new bodies corporate, was under consideration. He then stated that the present style of the Corporation of Oxford, was the Mayor, Bailiffs, and commonalty, and that the Bailiffs executed in that city the functions performed by Sheriffs in counties, in executing the process of the Court of Session, and taking custody of the prisoners; and he had inquired how the execution of those duties was provided for by this Bill. The noble Lord the Secretary-at-War answered that the Council, under the Clause then before the Committee, would have power to appoint officers for the discharge of those duties. He was of a different opinion at the time, and a letter he held in his hand confirmed that opinion. It was from the learned Recorder of Oxford, whose opinion was entitled to the greatest attention, not only from his great legal knowledge and experience, but from the circumstance of his having for considerably more than twenty years represented the city of Oxford in Parliament—he meant Mr. Lockhart, who must be known to a great many Members. The learned Gentleman stated that the office of Bailiff was attached to the Court of Quarter Sessions, and that it was impossible that that officer should be appointed by a Council who would have nothing whatever to do with that Court. He begged, therefore, to know whether the noble Lord, the Secretary of State for the Home Department, agreed in opinion with the noble Lord, the Secretary-at-War; and, if not, how he proposed that the office of Bailiff should be performed?

Lord *John Russell* certainly thought that the officer in question could not be appointed under this Clause, but a Clause must be introduced for that purpose.

The Clause as amended to stand part of the Bill.

On the reading of the 43rd Clause, prohibiting the Treasurer from paying money but by order of Council, viz. "And be it enacted that the Treasurer of any borough shall pay no money on account of the Mayor and Burgesses of such borough, save only upon the order in writing of the Council, signed by three or more Councillors, and countersigned by the Town-Clerk of such borough."

Mr. *Wilks* moved as an Amendment, after the words "signed by three or more Councillors," to insert the words "at the meeting of the Council at which the order was made."

The *Attorney-General* said, there was this objection to the Amendment, that it would often happen an order would be made by the Council in substance, which could not be signed till it was drawn up in form. That form might require consideration, and it would be found exceedingly inconvenient for Councillors to wait till the minutes were put into form for them to sign, or might lead to the practice (as we understood the learned Gentleman) of a blank paper being given them to sign, which the Town Clerk would afterwards fill up. Orders being to be signed by three Councilmen, as well as by the Town Clerk, precluded the idea of danger.

The *Solicitor-General* begged to remind the hon. Member for Boston that the Town Clerk, treasurer, and other officers had to give security, and that no money could be paid except upon an order made by the Council, which would make the responsible officers take care that the order was in proper form.

The Committee divided on the Amendment: Ayes 65; Noes 106; Majority against the Amendment 41.

On the Question that Clause 50, ("That questions brought before the Council shall be decided by a majority of Councillors present, and that one-third part of the whole number be a quorum,") should stand part of the Bill,

Mr. *Hughes Hughes* rose to propose an Amendment, namely, that two-third parts, instead of one-third part of the number of the whole Council shall constitute a quorum. He had, on more than one occasion, had to advert to the fact, that of the present Corporation of Oxford, consisting of ninety members, forty must be present whenever a vote of money was passed. Considerable jealousy was naturally felt, that eleven, being one-third of the proposed new Council, should be able to perform all the functions, which less than forty of the present Corporation could not execute. If, under the existing system no difficulty had been felt in obtaining the attendance of forty members, surely under the new system of popular and frequent elections, none would be experienced in requiring the attendance of twenty-two members; and as no property qualification was to be required from the new Councillors, and they would have all the Corporation Funds in their power, he thought that the security should be given which was implied in his Amendment. The hon. Member moved an Amendment to the effect stated.

Lord *John Russell* thought that the adoption of this Amendment might be productive of inconvenience in this way,—that when the business to be transacted in the Council consisted of mere matters of course, it would be difficult to obtain the attendance of two-thirds of the Councillors. On the other hand, it was not at all probable that any abuse would arise under the Clause as it stood, because there could be little doubt, that when any business of importance was to be transacted, there would be a full attendance of members.

Mr. *Estcourt* said, that the observations of the noble Lord had not convinced him of the inexpediency of adopting the Amendment. At present, when the Corporations were not under the influence of popular control, no difficulty was found in obtaining the attendance of members to transact business, and he was surprised that the noble Lord should anticipate that a difficulty would arise after the passing of the Bill.

Lord Viscount *Sandon* said, in Liverpool it was thought necessary to have a majority.

Mr. *Thornely* thought one-third enough.

Mr. *Hughes Hughes*: With the understanding that the noble Lord would in another stage of the Bill, introduce words into this Clause, to the effect that no business not mentioned in the summons should be transacted at any meeting of the Town Council, he was ready to withdraw his Amendment, his only object being the proper transaction of the business, and especially the protection of the funds of the Corporation.

Amendment withdrawn—Clause agreed to.

Clause 51st also agreed to.

The 52nd Clause—" Ale-house licences to be granted by the Town Council," being put—

Sir *James Graham* rose to move the Amendment on the Clause, of which he had given notice. He spoke to the following effect:—Mr. Bernal, Sir, as I understand, in the Clause now under discussion, the 52nd, it is proposed that the Councils shall have the power of granting licences to ale-houses, only in cases in which a separate jurisdiction shall be granted to the borough. This anomaly appears, to me, inexplicable. My objection certainly would not have been diminished if I could have understood the reason. As the Clause now stands, I not only object to the principle, but to the arrangement, which is such as I cannot understand. Where there is a separate jurisdiction given, following the analogy of all arrangements respecting ale-houses, one would have said, that the local jurisdiction should have exercised the power of licensing ale-houses: where there was no longer the jurisdiction, there, I could have understood it would have been expedient, if you were unwilling to grant this power to the County Magistrates, to give it to the Council. But however, by this Clause, where you have the opportunity, you have not intrusted these judicial functions, but delegate them to the Council exercising no other judicial functions but this one: where you have *not* the opportunity, (and where I could have understood the intrusting this power to the Council,) *there* you delegate them to the magistrates. How extremely anomalous this will be. I take the case of Guildford, in the second division of Schedule A, which will have a Council of only eighteen, an even number (to which it is intended to give a separate jurisdiction,)—the Council will grant licences to ale-houses; and I take the city of Huntingdon, a county town, having a larger number of Councillors than Guildford, or twenty-one. It is not proposed to give a separate jurisdiction to the city of Huntingdon; and, whereas the eighteen Councillors of Guildford will grant licences, in Huntingdon, with twenty-one Councillors, the licences will be granted by the Magistrates. This anomaly remains to me inexplicable, but does not affect the principle to which I mainly object. The noble Lord (the Secretary at War) I think stated upon a former occasion, that the great object of this Bill was, that the judicial and magisterial functions should not be mixed up with party politics; I admit that principle most distinctly; but I contend that this course pursued with respect to ale-houses is a direct violation of that principle. For the question then arises, what is the character of the functions of licensing ale-houses? I say, that, according to the whole analogy of our policy, it is judicial; it is magisterial. Will the noble Lord deny that? He will hardly do that, when he reflects to whom these powers are intrusted all over England—to the County Magistrates. Your second anomaly arises thus: that, whereas the principle of this Bill is declared to be the separation of the judicial and magisterial functions from all political power, the plain violation of that principle is to be found, that in a body decidedly political, viz. the Town Council in large cities, there and there only is to be vested the usually magisterial functions of licensing ale-houses. And now again, I would call to the attention of the House that throughout the English counties the justices to whom this power is intrusted (whether rightly or wrongly, I will not stop to argue,)—the justices of the English counties a certain qualification is required, and to a considerable extent,—no less than 100*l.* a-year of real estate. Now we have already decided in the progress of this Bill, that no qualification whatever shall be demanded of the Town Council; therefore, in all the counties of England where, though you require the justices to whom those powers are intrusted to have a qualification, and a very considerable one, (with respect only to the police,) as the power of licensing so refused, will not lead to such fatal consequences as in large towns—in these cities, where the duties are more important, you require no qualification at all. Then we come to the question of disqualification. In the Bill brought in by the hon. Member for Oxford there was this disqualification most studiously and properly inserted:—"No brewer, no person who sells exciseable liquor, no maltster, no one interested in an ale-house collectively or individually, by birth or by marriage, shall be intrusted with the power of licensing." Now the same disqualification is retained here, I admit; but then you must consider the different situation of the parties; and I think that where among the Justices of the county you would find one person to whom this disqualification attaches, you will have five or ten in the Council. You disqualify the brewer,—but the brewer in those towns will have friends who will be quite able to job for him. You disqualify the maltster,—but he also will have his friend in the Council; and I am quite satisfied that where you find out one case of such an individual in the County Magistrates, you would, directly or indirectly, find ten cases at least in the Town Council. But now, Sir, I will just point out another inconsistency, and, as it appears to me, very important one, in the formation of this part of the measure. The right hon. Gentleman opposite (Sir J. C. Hobhouse) contended it was right that the people should have some choice in the selection of their magistrates. Now, Sir, I do not wish to raise this great constitutional question; but I should say it is altogether a novelty; for, in this country, and under the form of government in which we live, the Crown is the fountain of justice, the great conservator of the Peace. All the authority connected with the preservation of the peace is derived from the Crown: if the peace is broken, it is the King's peace that is broken. If any person is called upon to preserve the peace, he is called upon in the King's name; and if he is indicted for breaking the peace, he is indicted because he has violated the peace against the Crown. The whole principle, therefore, in the conservation of the peace rests upon the admission that, in this country the preservation of the peace is delegated by the Crown, and is derived from the Crown. It may be contended that in the ancient cities there were elective magistrates. But then, be it remembered, that this was under Charters of Incorporation granted by the Crown. But, even, suppose I concede that there should be this electing power to choose the Magistrates in the people, as the Councils are under the 82nd Clause, where you give the power to the rate-payers of the boroughs to point out to the Crown certain persons to whom authority should be given, and his Majesty grants the Commission of the Peace to whom he thinks fit. Then, in the 85th Clause, you deprive them of the power of granting licences; that is in direct violation of the law as it now stands in regard to ale-house licences—which are placed under the judicial authority of the Magistrates in the county, and for what reason? They are immediately connected with the police and the Government; and upon the same principle that the preservation of the peace is intrusted to the magistrates, I hold their authority should be secured over the particular subject which is so connected with the preservation of the peace, and is placed under the control of the Magistrates. Now we have some experience, too, upon this point. The Magistrates, so holding their authority from the Crown, and exercising their powers in such a case, have given entire satisfaction—[*No, No!*]—Is that denied?—I have never heard it denied.—I do not know whether my hon. Friend, the Member for Sheffield, is here, but I see the hon. Member for Leeds in his place, and I would appeal with confidence to him, whether that population of 90,000 inhabitants living in Sheffield, who have no local judicature whatever, are not entirely satisfied with the manner in which the magistrates of the county, in the West Riding of Yorkshire, exercising their magisterial authority in that city, have performed their duties? I also see, and appeal with the same confidence, to the hon. Member for Manchester, and the right hon. the President of the Board of Trade. In that town there are four stipendiary magistrates—[Mr. *Potter:* "One."] Well, the Magistrates of the County Palatine of Lancaster exercise their jurisdiction in that city, hold quarter sessions for the county, and act at the petty sessions; and I have never heard any complaints of the manner in which they perform their duties. I appeal to these instances—great and striking instances—of the manner in which the judicial authority is exercised by the County Magistrates. I take the converse of the proposition. In the Report of the Commissioners there is the case of the electing magistrates in Caernarvon, in which the Mayor is elected by the burgesses; and the Sheriffs of the county, being to a great extent, I will admit, a close election—to a certain extent; for it is not of that character which elects any man. There is the greatest jealousy of all the judicial functions performed by the Mayor, who is so elected—there is the greatest possible jealousy of the Sheriffs, who are so elected—but there is the greatest possible confidence in justice when administered by the Recorder of that city, who is appointed by the Crown. I do not know whether it is necessary for me to occupy the Committee any further, in thus opening the view I am disposed to take of this Question. The proposition with which I shall conclude is not exactly identified with the notice which I gave. I am disposed to repeat the proposition which I made in 1828, when my hon. Friend, the Member for Oxford, introduced his Bill with respect to licences—in the 7th Clause of that Bill—inserted in cases of concurrent jurisdiction given to the county magistrates. It provided, that in all cases in which the Magistrates having exclusive jurisdiction should not be disqualified, that in such cases the County Magistrates shall exercise concurrent jurisdiction. On that occasion I made a Motion, in Committee, on that Bill, to extend this. Upon the present occasion the Motion with which I shall conclude is, that all the words after the word "that," be omitted, and I shall announce my intention to omit the three subsequent Clauses 53, 54, 55, (containing the machinery for ale-house licensing in the boroughs), for the purpose of inserting these words:—"That in every borough to which a separate commission of the peace shall be granted, the justices of the peace for the county in which such borough is situated, shall after the 1st day of May, 1836, exercise in all cases concurrent jurisdiction with the local magistrates of such boroughs; and in that every borough where there were no local magistrates, the justices of the peace for the county of the town, or of the county in which such borough shall be situated, shall, on the 1st day of May, in the year 1836, exercise all the powers, authority, and jurisdiction which by law they are entitled to exercise in the body of their respective counties; Provided always that nothing herein contained shall give or be construed to give to the county magistrates any power, or concurrent power with the local magistrates in the levying or appropriation of the borough funds."

Lord *Howick* said, it appeared to him that his right hon. Friend, the Member for Cumberland did not properly perceive the view upon which his Majesty's Government had devolved the power of granting licences to the Town Councils. The difference between the views of his right hon. Friend and those of the Government was this, that while he contended that the power of licensing was a judicial function, he (Lord Howick) contended that it was a power which had no relation whatever with the judicial functions of the magistracy. The right hon. Baronet said, that the Crown was the fountain of all authority, and the chief conservator of the peace, and that all the authority of the Magistrates was therefore derived from the Crown. Now one of the greatest abuses of the present state of the Magistracy was, that it not only was without responsibility to the Crown, but was beyond the control of the people. The Government thought that the Magistrates ought in the first place to be chosen upon the recommendation of the people, but should derive their power from the Crown. It was upon that principle—a principle which he conceived to be perfectly in accordance with the principles of the constitution—that they had introduced this provision. If the distribution of ale-house licences were left in the hands of the Magistrates, it might be made the vehicle of great political power, which would probably be exercised for political purposes. The power was certainly an invidious function, but it was necessary that it should be placed in some hands or other, and they thought it most important that the hands in which it was placed should not be those of the Magistrates who had the administration of criminal justice. They thought, in short, that the administration of criminal justice and political power should be kept as far separate as possible. And it was upon that account that they took the granting of ale-house licences out of the hands of the justices. He admitted that the contrary had been the late practice, by the statute law, but he contended that it was not so by the principles of the constitution. It was only subsequent to the Revolution that the power of licensing was first given to the Magistrates. His firm belief was, that it would be of less mischief to the people themselves, if the power of licensing were not united with the administration of justice.

Mr. *Baines* said, that having been appealed to by the right hon. Baronet as to the practice at Leeds, he could state that at Leeds, the County Magistrates had no concurrent jurisdiction with the Magistrates of the borough. As a proof that the power of granting licences was used by the Magistrates for party purposes, he might mention that while a large proportion of the population of Sheffield was in favour of the liberal candidates at the late election, the publicans were as two to one against them.

Mr. *Parker* said, that the licensing was a part of our system of police, and as the police was put under the control of the Town Council, he could see no reason why the power of licensing should not be put under the same jurisdiction.

Mr. *Mark Philips* said, that he thought placing this power in the hands of the Council would be much better than allowing it to remain with the Magistrates. The local knowledge of the Council of the temper and wants of the inhabitants would qualify them better for the distribution of the licences than the Magistrates could be.

Mr. *Estcourt* could not consent to give this power to a half sort of magisterial body of persons. He wanted to know what the objection was to the present system exercised by the Magistrates. Perhaps he should be told that the Magistrates made a jobbing and partial business of it. If the noble Lord could prove any such practices on the part of the Magistrates, he would be the last to raise or support an objection to the removal of the power from the Magistrates, but no such attempt had been made. He admitted it was a most invidious duty to perform, but take by far the greater proportion of the cases in which licenses had been granted, and he was perfectly confident it would be found and admitted on all hands that they had been fairly, reasonably, and properly granted. The noble Lord not only now proposed to take it out of the hands of the Magistrates, and to place it in the hands of six other persons, but he proposed to leave it in the hands of a Committee of two of those very impartial persons—a duty which the Magistrates were not to be supposed competent or impartial enough to discharge. It would appear that those persons on whom such an office was to be made to devolve must be persons of a very superior grade and degree of intellectual power to that of the Magistrates of the present day. He was not aware that any persons who could be elected as a Council could be of superior ability or respectability to the Magistrates. If the Magistrates were accused of partiality they could be removed from their office; and as the law now stood, there was much less reason to suppose there would be any greater connexion between the present powers that distributed the licences and the lower grades than there would be between that class of persons and the Council. He would submit to the noble Lord whether he was warranted in making this alteration without bringing forward some cause of delinquency on the part of the Magistrates. In the great majority of cases licences had been granted most impartially and with very great discretion. He was sure that in large towns there was nothing like a general complaint against the system of granting licences. On the contrary, if the granting of the licences was put into the hands of the council, there would be constant applications made to them for that which would be considered a patronage and which would become a downright system of party feeling. Those who would have to administer the duty hereafter would not be so nice in their discriminations as those who did it now. The Amendment of the right hon. Gentleman would be a very judicious one for the noble Lord to adopt, and which he hoped the House would carry.

Colonel *Sibthorp* said, that in putting this power into the hands of the Council, the House would be investing a body of persons with that power who would be disposed to encourage the existence of Tom and Jerry shops; and in taking it from the Magistrates, they would be unnecessarily and unjustly impeaching the respectability of those gentlemen.

Major *Cumming Bruce* was clearly of opinion that there ought, at any rate, a concurrent jurisdiction to be given to the county Magistrates and to whom an appeal might lie.

Lord *Sandon* said, it was very well known that there was no body of persons who exercised a greater influence at elections than publicans; therefore, the placing of this power in the hands of the Council would be clothing them with a very great political influence. It would be just the thing to lead to a corrupt system. The Magistrates were the best persons to have the power, of granting licences, but if it was to be removed from them, the Town Council were the very last persons to whom it ought to be transferred. The Town Council would have to grant the licences to the very individuals whom they would have to look to for their re-election to office; and they would both grant and take away licences for the very purpose of securing interest for their re-election. All persons might be supposed liable to abuse the power, but certainly the Magistrates were the least likely to lend themselves to malpractices.

Mr. *Hughes Hughes* said, that during the four Parliaments he had had a seat in that House he had never heard a single complaint brought against the Magistracy for the manner in which they had discharged this duty. It was to be remembered that in conjunction with them there was the Recorder, who had also to exercise a judgment and control, which was no unimportant security against corruption. He would be the last to object to a concurrent jurisdiction in the Town Council, but he for one should certainly object to giving up all the power of licensing all the publicans in Oxford into the hands of the Town Council. He considered the proposition of the right hon. Baronet much less objectionable than the original Clause therefore he hoped the House would feel disposed to carry it.

Sir *James Graham,* in reply to observations made by the noble Lord (Howick), quoted the words of the statute passed in the year 1552, in the reign of Edward 6th, by which all the ale-houses in the realm were placed under the jurisdiction of the Magistracy. He was more anxious to appeal to practical experience, according to which the power of licensing had never been abused, than to any of the fanciful theories resorted to by the Government for placing it in hands with which it had never yet been intrusted; and, judging from the character of the county Magistrates on the one hand, and the Town Councilmen on the other, he did think that the power of granting ale-house licences would be placed with much greater safety in the hands of the former than in those of the latter.

The Committee divided on the Amendment.

Ayes 166; Noes 211; Majority 45.

Clause agreed to. As was Clause 54.

### *List of the* NOES.

Adam, Admiral
Aglionby, H. A.
Ainsworth, Peter
Alston, Rowland
Angerstein, John
Attwood, T.
Bagshaw, John
Bainbridge E. T.
Baines, Edward
Baldwin, Dr.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Benett, John
Bewes, Thomas
Bish, Thomas
Blake, M. J.
Blackburn, J.
Blamire, William
Blunt, Sir Charles
Bowes, John
Bowring, Dr.
Bridgeman, H.
Brocklehurst, John
Brodie, W. B.
Brotherton, J.
Browne, Rt. Hon. D.
Buller, Charles
Barton, H.
Butler, Hon. P.
Byng, George
Callaghan, D.
Campbell, Sir John
Campbell, W. F
Cavendish, Hon. C.
Cayley, E. S.
Chalmers, Patrick
Chichester, J. P. B
Clive, E. B.
Cockerell, Sir C.
Codrington, Sir E.
Collier, John
Cookes, T. H.
Crawford, Sharman
Crompton, Samuel
Curties, H. B.
Denistoun, Alex.
Dobbin, L.
Donkin, Sir R.
Dundas, Hon. T.
Dunlop, John
Dykes, F. L. B.
Elphinstone, H.

Evans, G.
Ewart, W.
Ferguson, Sir R.
Fergus, John
Ferguson, R.
Ferguson, Rt. Hon. C.
French, Fitzstephen
Fielden, John
Fitzgibbon, Hon. R.
Fitzroy, Lord Charles
Fitzsimon, R.
Fleetwood, P. H.
Folkes, Sir W.
Fort, John
Gaskell, D.
Gordon, R.
Goring, H. D.
Grattan, James
Grey, Sir G.
Grote, G.
Hume, J.
Howard, P. H.
Hall, B.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Hay, Col. Leith
Heathcoat, John
Heathcote, R. E.
Hector, C. J.
Hindley, C.
Hobhouse, Rt. Hon. Sir John
Hodges, T. J.
Holland, E.
Howard, Hon. E.
Howick, Lord
Hoy, Barlow
Hurst, R. H.
Hutt, W.
Jervis, J.
Kemp, T. R.
Kerry, Earl of
King, Bolton
Labouchere, Henry
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Lister, E. C.
Loch, James
Locke, W.
Lushington, Dr.
Lushington, Charles
Lynch, A. H.
M'Leod, R.
Maher, John
Mangles, James
Marjoribanks, S.
Marshall, W.
Marsland, Henry
Maule, Hon. Fox
Maxwell, John
M'Cance, John
M'Taggart, John
Milton, Lord
Morpeth Lord
Morrison, James
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, More
Ord, W. H.
Oswald, James
Poulter, John S.
Palmer, General
Parker, John
Parnell, Sir Henry
Parrott, Jasper
Pease, J.
Pechell, Captain
Perrin, L.
Philips, M.
Pinney, W.
Ponsonby, Hon. J.
Potter, R.
Power, J.
Poyntz, W. S.
Price, Sir Robert
Raphael, Sheriff
Ramsbottom, John
Rice, Rt. Hon. T. S.
Rippon, C.
Robarts, A. W.
Roche, W.
Roche, D.
Rolfe, R. M.
Ronayne, Dominick
Rundle, John
Russell, Lord John
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Ruthven, E. S.
Scholefield, J.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheldon, E. R.
Sheil, R. L.
Smith, Vernon
Smith, B.
Speirs, A. G.
Spry, Sir Samuel
Steuart, R.
Stuart, Lord C.
Strickland, Sir G.
Strutt, E.
Sullivan, Richard
Talbot, J. H.
Talfourd, T. N.
Tancred, H. W.
Thompson, P. B.
Thomson, Right Hon. C. P.
Thompson, Colonel
Thornely, T.
Tooke, W.
Tracy, C. H.
Trelawney, Sir W.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Tynte, C. J. K.
Vigors, N. A.
Villiers, C. P.
Vivian, J. G.
Wakley, T.
Walker, R.
Walker, C. A.
Wallace, R.
Walter, John
Warburton, H.
Ward, H.
Wason R.
Wigney, J. N.
Wilbraham, G.
Wilks, J.
Williams, Sir James
Williams, W. A.
Williams, W.
Wilson, Henry
Winnington, Sir T.
Winnington, Capt.
Wood, Charles
Wood, Alderman
Wrightson, W. B.
Wrottesley, Sir John
Wyse, T.

TELLER.

Stanley, E. J.

House resumed, Committee to sit again.

LAW OF LANDLORD AND TENANT—(IRELAND).] Mr. Sharman Crawford moved for leave to bring in a Bill "to amend the Law of Landlord and Tenant in Ireland." He would not at that time, unless it were the pleasure of the House, make any observations, nor discuss the merits of the Bill: but would content himself with simply moving for leave to bring it in, that it might be printed.

Mr. *Shaw* asked the noble Lord, the Chief Secretary for Ireland, if he was aware of the nature of the Bill: as it was quite out of the usual plan to bring in a Bill without receiving some explanation of the principles on which it was founded.

Lord *Morpeth* was of opinion that his hon. Friend had better say a few words in explanation of the measure he proposed to produce.

Mr. *Goulburn* protested against the deviations from the ordinary mode of proceeding on Bills of that kind: they were attended with very dangerous consequences. Bills were introduced without any reference to the object they had in contemplation, they got upon the order-list: deferred night after night till they came to the morning Session and then were passed, stage after stage, without any one knowing any thing about them; so that they got into the statute-book before they were aware that such measures were in existence.

Mr. *Sharman Crawford* had merely abstained from giving any view of his object from the late hour of the night, and his conviction that it would not be well understood till his provisions were before the House. It was not his intention to push the Bill this Session—his object was to get it printed, and circulated through the country. The Measure which he wished to introduce was one founded on the report and evidence which was before the House, taken before a Committee of the House of Lords in the year 1829; and, as he conceived, he could express the object of his Bill in a much better way by extracts from that evidence, he would read one or two passages to the House. [*The hon. Member then read two extracts from the evidence alluded to: the first was from J. F. Lewis, Esq. who stated that " the relations between landlord and tenant was one of the great sources of evil in Ireland —" in which he was confirmed by another extract from the evidence of Mr. Forster and an extract of a Letter to Sir R. Peel.*] It was his object, in his Bill, to provide, that if the renewal of the tenant's lease were not effected by the Landlord, he should be enabled to obtain a fair allowance for the improvement and repairs made during his tenantry; that was the general principle of his measure, and he trusted that when it should appear before the House he should be enabled to prove that it would be of a most equitable nature: upon these grounds, pledging himself that it should not be pressed forward during this Session in a hasty manner, he begged to move for leave to bring in his Bill, and have it printed.

Lord *Morpeth* had no objection to its being brought in, though he did not hold himself committed to its principles; it might contain suggestions worthy of being adopted into the law of Ireland.

Sir *George Clerk* wished to put it to the Chancellor of the Exchequer, whether such a Bill would be advantageous to Ireland?

The *Chancellor of the Exchequer* had rather reserve his opinion upon it till it should be in the hands of Members.

Mr. *C. Williams Wynn* said, that without entering upon the general question at all, the orders and rules of the House should be established, as there was great inconvenience in these deviations from the usual mode of proceeding. He need only say that any interference in any contract between man and man—to say that a tenant taking a lease of his landlord, that he should have a claim upon him for compensation, if, at the expiration of the lease, he did not thint fit to renew it—it might be unobjectionable or not—but to say that this House had the power of interfering with existing contracts was in his opinion highly objectionable. He had no doubt that the measure was introduced from the purest and most charitable motives, but it seemed to him (Mr. Wynn) to run counter to the first principles of legislation; and the House ought not to give its sanction to the introduction of the Bill.

Mr. *Warburton* could not gather from the hon. Member that he did interfere with existing contracts; or that his Bill differed from what already existed in this country, in the custom that the out-going tenant was to have his improvements, such as manure, crops, &c., estimated by fair valuation; and it was very probable that the hon. Member meant to do no more than provide that, by his measure, the same valuation should take place in Ireland. He, therefore, thought the right hon. Gentleman opposite (Mr. Wynn) had been rather hard upon his hon. Friend.

Mr. *William S. O'Brien* thought that when the condition of the Irish peasantry was such as it was, the House would appear to disadvantage in the eyes of that people if an exception was made against this Bill in not allowing it when so many other Bills were admitted to their first reading. He should hold himself disengaged in regard to the principles of the Bill; and he should be prepared to give it his earnest attention, in hopes of its containing something capable of advancing the general improvement of the people of Ireland.

Mr. *Sheil* thought that perhaps at this late period of the Session his hon. friend would have done well to postpone it. But as he had brought it forward, he had been rather unjustly dealt with; for there was already in Ireland, provisions that a tenant for twenty one years should plant the lands, and that the value of the plantation should be given to him at the expiration of the lease. At the same time, he must say, he thought at this time it would have been better to reserve the Bill for a future occasion, seeing they were engaged on two such important questions, the Irish Tithes, and the Corporation, (he hoped Irish, too,) Reform Bill,—remembering also there was another question which must come under discussion next Session —viz. the Irish poor-laws—it was impossible, whatever opinions they might entertain on the subject, for the Government to postpone it further till next Session—they must then say decisively—they shall be or they shall not be.

Colonel *Perceval* agreed with the hon. Member for Tipperary, in one thing, that the hon. Member had better postpone his Bill till next Session.

Leave was given.

MUSIC AND DANCING.] Mr. Hume moved for "leave to bring in a Bill to repeal as much of the Act 25th Geo. 2., as restrains the Amusements of Music and Dancing." [*The hon. Gentleman in rising to make this Motion from the Ministerial, instead of the Opposition side of the House, where he has always heretofore sat, was very loudly and significantly cheered by the honourable Gentlemen on the Opposition benches.*] He said his object was to promote the good humour of the House, if possible, by introducing a little music and dancing. The fact was, that only his constituents were debarred these amusements. The act was originally passed for only three years, but it was afterwards made perpetual. When it was sent up to the Lords, it extended to only twenty miles round London; but their Lordships added a Clause to give effect to the Act all over the country. The Commons however, would not consent to that Clause, and the Act was passed, therefore, in its present form. For fifty years it had been a dead letter; but for the last ten years, informers had taken advantage of it, and had caused great annoyance. The people in other parts of Europe were allowed their amusements, and he thought it would be much better to encourage them in this country, where the lower classes were too much in the habit of indulging themselves in drinking, instead of recreating themselves rationally.

Leave was given and the Bill was brought in and read a first time.

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## HOUSE OF LORDS,

### *Friday, July* 3, 1835.

MINUTES.] Bills. Received the Royal Assent:—Sugar Duties; Indemnity; Corn (Isle of Man); Western Australia Settlement, and Dominica Relief.

Petitions presented. By the Marquess of BUTE, for a Grant to the Scotch Church; and from the Merchants of Cardiff, for an Equalization of the Duties on Timber.—By the Bishop of GLOUCESTER, from the Inhabitants of Fairford, for Protection to the Established Church.

FRENCH DUTY ON WOOL.] The Duke of *Richmond* wished to ask his noble Friend a question as to the Duties now imposed on English Wool imported into France. He wished to know whether it was likely that the amount of that duty would speedily be reduced?

Lord *Auckland* said, he must remind his noble Friend that the amount of the duty imposed by the French Government had already been reduced one-third.

The Duke of *Richmond* hoped that our Minister in France would press upon the Government the propriety of reducing these duties still further. The French wool imported here paid (as we understood the noble Duke) a duty of 1*d.* in the pound, whereas the English wool imported into France paid a duty of 20 per cent. of the value. The agriculturists of the country did not think that such a scale of duties was the reciprocity which they had been promised.

Lord *Auckland* said, that his right hon. Friend at the head of the Board of Trade would, undoubtedly, give his utmost attention to this important subject, but his noble Friend ought to bear in mind that our own reductions of duty had been but gradual, and were not willingly acceded to. There had been some difficulty in reconciling some interests in this country to the change, and there would, no doubt, be the same difficulty in reconciling some interests in France, however the change might be for the benefit of the whole country.

Subject dropped.

EDUCATION — (CHARITIES).] Lord *Brougham,* in pursuance of the notice which he had given a few evenings since, presented to their Lordships a Bill founded on the Resolutions relative to Education, which he had on that occasion been induced to withdraw. The first part of the Bill had reference to the diffusion of Education generally. It provided also for the just and conscientious distribution or application of the funds granted by Parliament for the purposes of education. That the funds so granted should be properly administered, it was absolutely necessary that persons responsible to the Crown and to Parliament should have the supervision of them; and provision was made to that end. There was another class of persons named in the Bill as supervisors of charitable trusts, whose functions would be inquisitorial and *quasi* judicial, as the details of the Bill would show. These individuals were to be appointed by the Crown (the fountain of all such authority), and were to be empowered to take cognizance of estates held in trust for the purposes of education. It was proposed that this Board should consist of three persons—the President of the Council, the Lord Privy Seal. and the Secretary of State for the Home Department. To these he would add, if it were deemed necessary, the Speaker of the House of Commons. The power with which they would be invested, the authority which they would be permitted to exercise, and the duties which they would have to perform, were clearly specified in the Bill. The Bill provided that those individuals should have a constant, and, as he hoped, a perfectly effectual control over estates held in trust for charities, so as to prevent their mismanagement or abuse; and it would enable them to do every thing, as far as it possibly could be done to promote sound principles of education; at first, by empowering them to consult with persons connected with those charitable trusts, for the purpose of advising them as to the course which they ought to pursue, and not to adopt any compulsory proceeding, unless it was found that this Clause, enabling them to counsel and advise, was utterly ineffectual. In that case, compulsory powers would be given, in order that their instructions might be carried fully into effect.

Bill read a first time.

SPAIN—(DECREE OF DON CARLOS)]. The Marquess of *Londonderry* seeing the noble Viscount in his place, begged leave to call his attention to the subject with respect to which he had yesterday asked a question. He alluded to the Decree of Don Carlos, the authenticity of which the noble Viscount had questioned: he had been favoured by a correspondent with a communication on the subject, so that he did not of himself, or of his own knowledge, aver the authenticity of the document. His correspondent wrote thus:—" My Lords,—In order that your Lordship may be enabled to set the Minister right, I inform your Lordship that I have seen myself the original Decree of Don Carlos; and I herewith send you a certified copy, and a translation of it." Here, then, was the original decree in Spanish. Now, he thought he might appeal to the noble Viscount to institute an inquiry on this subject; he thought that he might, as a British soldier, urge him in the strongest manner to take effectual means to ascertain what the real construction of the convention negotiated by Lord Eliot was? In his opinion a military Commission ought to be sent forthwith to Don Carlos, in order to let the country know what was really the fact. Troops, it appeared, were being embodied in this country, whose destination was Spain; and knowing that the Spanish peasants were of a revengeful nature, he felt that, before those individuals went abroad, the point ought to be decided, whether the convention to which he had alluded, and which was so admirably planned, would be carried into full effect with reference to that force. He, therefore, called on the noble Viscount to ascertain without delay the true meaning and construction of the convention.

No answer was returned to the noble Marquess, and the Subject was dropped.

DELAY OF BUSINESS.] Lord *Brougham* begged to draw their Lordships' attention to the fact that they had now arrived at the 3rd day of July, and that, although a great deal of judicial business had been disposed of, no Legislative business of any consequence had been done. Not one of the great promised measures of the Session had as yet been brought under their Lordships' consideration at all; nor were they likely to be from the progress which he understood had been made in them in the other House. Of the Corporation Bill a very few Clauses had passed through the Committee, and the Irish Church Bill had not yet been even brought into that House. To obviate the great pressure of business which must inevitably, according to the present course of affairs, come upon their Lordships before the Session closed, he would propose, as a means of expediting public business, that the leading features of those two measures should be forthwith submitted to the House in the form of Resolutions, so that the House might thoroughly discuss the principles involved in them, and, having come to an understanding thereon, leave only the details of the Bills to be discussed after the Bills themselves were sent up from the other House.

Viscount *Melbourne* said, that if the general feeling of the country called for great and comprehensive measures, which required grave consideration, their Lordships must be prepared to make those laborious exertions which circumstances demanded. It was impossible for them to withdraw themselves from the consequences necessarily attendant on the consideration of such important measures. If the suggestion of the noble and learned Lord were acted on—if they were to proceed by passing resolutions—he was convinced that no time would be saved. It would only be the means of superadding a considerable portion of supernumerary labour to that to which, in the ordinary course of proceeding, they would be subjected.

Lord *Brougham* said, it would be a fortnight or three weeks before the Municipal Corporation Bill could be presented to their Lordships; and in the mean time he thought that they might do something with the Irish Church Bill.

The Duke of *Wellington* said, that it was necessary, in the first place, before they could take any such step as had been recommended, that there should be laid before the House that information on which the Bills alluded to were founded. If he were not mistaken, two parts only of the four Reports and appendices on which the Municipal Corporation Bill had been founded were at present laid before their Lordships. Although the Bill had made considerable progress in the other House, still only two parts had been placed on their Lordships' Table. How, then, could they come to an accurate decision in the absence of the necessary information?

The Conversation dropped.

PROCESSIONS—(IRELAND).] The Marquess of *Londonderry* said, he rose in consequence of the notice he had given, to call their Lordships' attention to a circular which had been recently addressed to the Magistrates of the north of Ireland by the Lord-lieutenant. That circular appeared to him to have been unnecessary. It seemed to cast a degree of reproach on the Magistrates, who, he believed, were anxious to perform their duty impartially, and to the utmost of their power. The circular to which he alluded he should now read. The noble Marquess read the following circular:—

"Dublin Castle, June 19, 1835.

"Sir,—The Lord-lieutenant prefers to any public proclamation the present mode of calling your attention to the peculiar vigilance which occasions may shortly require, in the exercise of your Magisterial duties. His Excellency takes this course because he feels assured that your own inclination, as well as the interest you must naturally take in the peace and welfare of your neighbourhood, must induce you to discourage proceedings so destructive of both, whether they have reference to the celebration, by procession or other display, of the anniversary of an exclusive political event, or of an exclusive religious observance.

"Should you, therefore, have reason to believe that it is the intention of any party to make a display of the nature of that to which I have adverted, you will explain to them that such a proceeding has a direct tendency to provoke a breach of the peace, and is a violation of the law, which it is his Excellency's determination to support by every means in his power.

"I have the honour to be, Sir, your most obedient humble servant, "WM. GOSSET."

Now, instead of a letter of this kind, it would, he thought, have been much better, if any disturbance were expected, to issue a proclamation. But, instead of pursuing that plan and obvious course, the Lord-lieutenant had deemed it necessary to send round this circular, which, he repeated, did convey, if not directly, by implication, a reproach on the Magistrates which they did not deserve. He should, therefore, be glad to know why this unusual course was adopted? Since the passing of the Act prohibiting them (two or three years ago) he believed that no such processions had taken place as those that were alluded to in the circular. When he recollected the procession which accompanied the Lord-lieutenant into Dublin, to stop which no attempt had been made, it did appear to him that the conduct of the Irish Government was not distinguished by impartiality. He had been informed that an individual who had held a situation in Dublin Castle, under each succeeding Lord-lieutenant, for forty years, had been recently dismissed to make room for a relation of Lord Edward Fitzgerald—a name certainly ominous in Ireland. If that individual, Sir Stuart Bruce, had been dismissed, without consideration, after forty years' service, to make room for another, it was, he conceived, an act of great harshness.

Viscount *Melbourne* said, that the document to which the noble Marquess had referred explained itself very intelligibly. The situation of parties in Ireland (and it should be recollected that the subject had been brought before their Lordships), and the statements made by noble Lords on the other side of the House, that, owing to circumstances to which they then adverted, some disturbance was likely to arise on the 12th of July, gave a complete answer to the Noble Marquess, as clearly pointing out the necessity that existed for sending forth that letter. The circular, therefore, was neither uncalled for nor extraordinary. It was very natural, that in his anxiety to preserve the peace, the noble Lord at the head of the Irish Government should have called the attention of the Magistrates to the law which existed on the subject of party processions. He had reason to believe, from the good sense which prevailed in Ireland, and from the exertions of those who had influence there (which influence they had used to prevent the manifestation of party feelings on the 12th of July) that, notwithstanding the anticipations of noble Lords in that House, no breach of the public peace was likely to take place. The noble Marquess had said, this mode of proceeding was extraordinary, and that it would have been better to have issued a Proclamation. But this course had been adopted in 1829, in 1832, and in 1833. On each of those occasions a circular had been sent forth. Here then were precedents that fully justified the proceeding. As to the general observations of the noble Marquess, he should only say, that the Government of Ireland was conducted on principles of the strictest impartiality. With respect to the case of the individual to which the noble Marquess had referred, it was the first time that he had heard of the arrangement. The Lord-lieutenant had, however, a right to make what arrangement he pleased in his household. These were points of which their Lordships certainly could not take cognizance.

## HOUSE OF COMMONS,

### *Friday, July* 3, 1835.

MINUTES.] Bills. Read a third time:—Soap Duties' Drawback.—Read a second time:—Contempt in Equity (Ireland); Lunatic Acts' Continuance.—Read a first time:—Reform of Parliament (Scotland).

Petitions presented. By Sir J. JOHNSTONE, from the Shipowners of Scarborough, against any Alteration of the Timber Duties.—By Mr. POTTER, from the Inhabitants of Shute (Devon), in favour of Vote by Ballot; and from the Linen Manufacturers of Omagh, for Protection to the Linen Trade (Ireland).—By Mr. H. MARSLAND, from the Inhabitants of Stockport, in favour of the Repeal of the Duty on Newspaper Stamps.—By Mr. BORTHWICK, from the Corporation of Evesham, against the Municipal Corporation Bill.—By Mr. WILBRAHAM, from the Retailers of Beer in Stockport, to be placed on the same footing as Licensed Victuallers.

NEW SOUTH WALES.] Mr. *Henry Bulwer* said, that he had an important Petition to present from this Colony, and he would not infringe on this occasion the very proper Rule laid down by the right hon. Gentleman in the Chair, were it not that by laying the case now before the House he should do away with the necessity for a Motion upon it. The petition was signed by 6,000 free inhabitants of New South Wales, and the petitioners claimed that a Legislative Assembly should be granted to the Colony. He would state shortly and simply the peculiar circumstances of the case, and then he would appeal to the justice and good sense of the Government to do what was proper regarding it. The population of the colony consisted of 60,000 persons. The revenue amounted to 135,000*l.* per annum. Over this large revenue, and large population, there was placed a Governor, exercising an almost unlimited authority—an authority only limited by the Executive Council, the greater number of the members of which small body were named by the executive Government, and the remainder by the Governor himself. This was a state of things that required a remedy, but the Question was as to how the evil could be satisfactorily removed. The great difficulties that stood in the way of granting a Legislative Assembly to this colony were, first, the difficulty of finding a proper representative body, and next the difficulty of providing a respectable constituency. Now, it appeared that at the present moment there were 120 persons exercising the duties of magistrates in this colony, and who were perfectly competent to fill any office. Here, then, was a respectable body of persons out of which the members might be chosen. With regard to the construction of a constituent body, these questions arose—whether it would be advisable to admit into it persons who, having gone out originally to the colony as convicts, had served their time out and had become freedmen; and whether, if they should not be admitted into it, there still would be a sufficient number of settlers to constitute such a body. Now with regard to the first class of persons, the freedmen, they had been allowed for several years to exercise an indirect power over property in serving on juries, &c., and when no evil was found to flow from their doing so, no evil surely would flow from their exercising a direct power over it. But the number of freedmen that would be admitted to the constituent body would be very small. Excluding them, however, altogether, there still was a large class of respectable settlers, amongst whom a constituent body could be found. There was one further question, and that was as to time. It might be considered, that although it might be necessary to grant this great privilege to the population, yet that some time must elapse before it could be carried into effect. In his opinion that argument would be most erroneous. The practicability of all institutions depended on the applicability of those institutions to the minds of men. If what the population now prayed for were granted at present, there would be persons to receive it who had enjoyed the advantage of freedom and intelligence; whereas, if it were delayed till a distant period, it would be found it could only then be granted to those who had grown up in a state of barbarism. Sir James Mackintosh had used the same argument; he had said, that the present persons would be much more likely to understand and to appreciate the benefit of free institutions than those who would grow up in the colony hereafter. With these observations he begged to bring up the petition.

Sir *George Grey* said, he was sure the hon. Gentleman could not expect that he was to give any pledge at present for the Government on a subject that required the most mature consideration. The present Act of Parliament by which this colony was governed, would expire in the Session of Parliament succeeding December 1836; so that the circumstances under which that colony was constituted would have to come under the notice of the Legislature in the course of the next Session of Parliament; and he would give this pledge—that before any new act was brought forward for the government of New South Wales, his Majesty's Government would not fail to give the subject its most serious consideration. He had no doubt his Majesty's Ministers would look at the subject with the most anxious desire to extend, as far as possible, to the colony the benefit of free institutions.

Mr. *Maurice O'Connell* had great pleasure in supporting the prayer of this petition, and was perfectly satisfied that the desire for a Legislative Assembly was so great, that till it was granted the colonists would not be satisfied, and most probably that desire would increase into positive discontent.

Mr. *Hume* could not but feel gratified at what the hon. Baronet said, but it would afford the subjects of the colony only very little consolation to hear it stated, that in two or three years hence the Act of Parliament by which they were governed would expire, and that then an attempt would be made to do something for them. The House ought to know that that colony was taxed to an enormous amount, more in proportion than Great Britain, and the subjects had no control whatever over the appropriation to the amount of 1*s.*, or any thing to do in the regulation of the taxes. The whole was at the mercy of the Governor. The petition pointed out a most important fact which had not been stated—namely, that while the free population exceeded 60,000, exclusive of 25,000 convicts, the revenue had increased last year from 132,000*l.* to 135,000*l.*; and if the aggregate of taxation was taken in proportion to the population, it would be found that the subjects were taxed at the rate of 3*l.* per head. The colonists asserted that they were competent to manage their own affairs, and where there were 120 persons proper for magistrates, it would be strange indeed if fifty proper persons could not be found to form a Legislative Assembly. Looking at the colony and its expenditure, any man would wonder how such enormous sums could be disposed of; the numerous appointments with large salaries required the strong hand of reduction to be applied by those who, living on the spot, knew the value of commodities, and could judge how the public officers ought to be remunerated. The day was gone by when it was thought that the taxation and administration of a remote colony could be fitly regulated in Downing-street. Were not Ministers about to give to every petty corporation in England the direction of its own affairs, and surely the claim of the petitioners, and the claim of the settlers in Van Diemen's Land too, ought not to be resisted? In the West Indies there were fourteen different houses of assembly to as many islands, the united population of which did not amount to that of New South Wales. How then could the petitioners be satisfied when they saw such inequality in the system? If it were meant to make the colonies valuable to this country, the people of those colonies ought to be rendered contented with their condition; and if England were anxious to get rid of surplus population, emigrants should be offered an asylum where they were not subject to military domination, but had the benefit of free institutions.

Sir *Henry Hardinge* rose to call the hon. Member to order, as the House had agreed not to discuss petitions.

Mr. *Hume* replied, that the objection was to lengthened speeches of three quarters of an hour, for instance upon Municipal Reform, when the Question would come in so many other shapes before the House. Here was a petition on a subject which could not otherwise be discussed, and which, if debated now, would save the trouble of a regular and separate Motion. He was not desirous of detaining the House, but was anxious to remark upon a point not adverted to by his hon. Friend who presented the petition, that this colony, unlike most others, although so heavily taxed, had not any control over the disbursement of the revenues. The request of the petitioners appeared to him extremely moderate, and he hoped that Ministers would mete out equal justice, and would not forget such an important possession, because they were engaged in legislating in the same spirit for the small boroughs of the country.

Mr. *O'Connell* would only detain the House a few moments. He was almost sorry that the right hon. Baronet (Sir George Grey) had been able to give so distinct a pledge upon the subject, because at all events it prevented the adoption of any immediate measures, and to a certain extent deprived the colony of the sympathy of the House. As the existing Act would expire in December, 1836, a consideration of the state of New South Wales must necessarily take place in the next Session, and he hoped that a strong inclination would then be felt to give to the settlers all the advantages which as British subjects they were entitled to. Free institutions ought to be planted wherever they would flourish, and prerogative ought to over-ride the rights of freemen only where the peculiar situation of the colony required it. The petitioners asked for a representative assembly, not such a mockery of legislation as existed in some of the West-India Islands. There were more free colonists in New South Wales than in fourteen of the West-India Islands. In giving a Legislative Assembly to New South Wales, he hoped that the distinction between free settlers and emancipationists would not be continued: emancipationists were entitled to every encouragement. A man who went out a convict, served out his time, reformed his character and habits, and acquired property, ought to enjoy all the benefits of his improved moral and political condition. After a Legislative Assembly had been given to the colony, the next step would be to give them the power of electing an Executive Council, so that it might have the entire management of its own affairs, while it paid a willing obedience to the mother country.

Mr. *Bagshaw* had heard the intimation of Ministers with satisfaction, and hoped that the state of the Cape of Good Hope and Malta would be taken into early consideration.

Sir *Henry Hardinge* referred to the consequences of the Reform Bill upon the colonies, which it might be almost said to have disfranchised, inasmuch as the only Member now sitting as the representative of a colony was the hon. Member for Bath.

The *Chancellor of the Exchequer* denied that the remark was applicable. The very speeches made this evening showed that the colonies were not unrepresented, and that the House as well as the Government felt the deepest anxiety for their welfare. The general mass of the people, including of course the ten pound householders, was interested in every question relating to our foreign possessions, and would return Members well calculated to legislate in their behalf. Looking to times past, before the Reform Bill was in operation, he saw that East-India Directors then represented populous places, and they might do so still; and it was one of the arguments used on the Reform Bill, that the Chairman of the Court of Directors was returned by a popular constituency.

Mr. *Wilks* said, that there was no Member of Parliament who might not be said to represent the colonies of the country; and in his opinion the colonies were better represented now than under the unreformed Parliament.

Petition laid upon the Table.

CORPORATION REFORM —(COMMITTEE.)] The House went into Committee on this Bill.

Clause 56, respecting charities, being proposed,

Lord *John Russell* said, that it was a provision for placing certain trustees, to be appointed by the Town Councils, in the situation of the present Corporations, and not for giving to them any greater power than those Corporations now stood possessed of. Whether under the present Corporations, or the Corporations to be created by this Bill, there was a sufficient control over the funds of these charities or not—laying aside the whole question of an intentional perversion of the charities to private or party purposes—it was a fact that the trustees appointed by those who had the management of the funds did often, either from carelessness or some other cause, entertain such a mistaken sense of their duty that the funds were not applied to the purposes for which they were originally given, or to purposes to which they might be devoted with very beneficial effect. It was, therefore, the opinion of himself and his Colleagues, that some controlling and superintending power should exist for the purpose of causing the funds to be rightly and directly applied. It was not, however, expedient that any provision to that effect should be introduced into the present Clause, which went simply to the extent of giving the new corporations the power of appointing trustees for the management of the funds.

Mr. *Hardy* wished to know whether, under the term "Charitable Funds" was comprehended the patronage of livings? If so, the disposition of livings in the Church of England might fall into the hands of those who were not connected with the Establishment. There was in the hands of the Corporation of Leeds certain patronage of that kind, and he wished to know how it would be affected?

Mr. *Hughes Hughes* repeated the same question, and said, that a considerable sum of money had been left to the Corporation of Oxford for the establishment of forty lecturers in that city, resident clergymen of Oxford. He did not know whether the Clause was intended to apply to that property?

The *Attorney-General* said, the Clause applied exclusively to charities, and did not embrace church patronage.

Mr. *Hughes Hughes* complained that there was no Clause in the Bill which provided for such cases as he had adverted to. It was very true that it was now proposed to make those who were trustees of charities personally responsible for any breaches of trust with which they might be chargeable, but that was rendered all but nugatory by the fact that no qualification was required from the members of the Council. If the provision were adopted which he should propose, some of the trustees at all events belonging to a liberal profession would afford some guarantee for a due performance of their charitable functions. He had a list of no fewer than twenty-two charities of a very important character belonging to the city which he had the honour to represent, and which placed considerable political power in the hands of those by whom they were dispensed. Some of them were given specifically to be enjoyed by members of the Church of England, and as the Recorder and Magistracy were much more likely to belong to the Establishment than the members of the Council, he was anxious that the former should at least have a concurrent direction in the application of the charity estates. He did not ask that the Recorder and Magistrates should be the sole trustees, but merely that they should be associated with the fifteen chosen of the Council; and he did not see any possible objection that could be entertained to such a proposition. It would, in his opinion, secure the public generally, and shield from all suspicion of abuse the exercise of that power which naturally arose through the charitable funds. The hon. Gentleman concluded by moving that "there be added to the number of charitable trustees of every borough the Recorder for the time being (if any) of such borough, and all Justices of the Peace acting in and for the same."

In answer to a question put by Mr. Estcourt,

Lord *John Russell* said, that the Clause had no reference whatever to Ecclesiastical trusts as connected with Corporations. But that was, no doubt, a most important subject, and there was a notice on the books which would bring it regularly under the attention of the Committee in a future stage of the Bill.

Mr. *Estcourt* asked what would then become of Church patronage which was vested in Corporations, seeing that the Clause contained no provision in that respect?

Lord *John Russell* said, that under the operation of the Bill the Church patronage would go with all the other powers and possessions of Corporations, and the new Corporations would have the same power of dealing with it that the present Corporations had. The hon. Gentleman was well aware that since the Repeal of the Test and Corporation Acts, a Corporation at the present moment might be composed entirely of Dissenters, and be as competent to dispose of Church patronage as a Corporation consisting entirely of members of the National Establishment.

Mr. *Harvey* hoped that hon. Members would lay aside all party feeling and prejudice and come to the discussion of this most important question without any tinge of political or factious animosity. They were all agreed on the principle, and could only be anxious as to the best method of carrying it into efficient practical operation. He begged leave to put a case: in some small boroughs where there might be only fifteen Councillors, unless there was some Clause to provide that the electors should not be the elected, there would be an appointment without an election. The trustees and the Council would be one and the same body. He did think, whether the trustees were rich or poor, peers or paupers, without some controlling and unconnected power over the whole, they would only have a perpetuation of the abuses which were connected with the present system. The trustees might be persons of the greatest wealth, high station, local influence, and indisputable moral pretension; but if they were not placed under the control of some impartial and responsible power, the charitable trusts never could be properly, beneficially, and satisfactorily executed.

Lord *John Russell* said, he had already stated, in his opening address, that the effect of the Clause would be merely to place the trustees appointed by the Council in the place of the present Corporations. They would have no greater powers than those now vested in the old Corporations; even supposing the case, therefore, that the Council should all elect themselves, they would stand exactly in the same situation with the Corporations which now exercised the power of the trustees. It was another question, into which he did not wish at present to enter, whether they should disqualify members of the Council from serving as trustees,—the number being so large as fifteen, he thought that principle might be attended with inconvenience, particularly in small boroughs. But what he had stated to the Committee at the commencement was, that in his opinion, whether under the present Corporations or under those about to be created by this Bill, there was no sufficient control over the funds of charities; and that, even laying aside the whole of the question of intentional perversions of the charitable funds, it did often happen that the trustees who had the management of them, either through carelessness or some other cause, took so mistaken a view of their duty, that the original purposes of the charity were not accomplished, and those for whose benefit such foundations were instituted received no advantage whatever. He had, therefore, stated it as his opinion, and that of his Colleagues, that some controlling and superintending power should exist, by which they might be enabled to check and regulate the application of those funds in case the local bodies who had the management of them misdirected or perverted them. The question in what manner that object could best be attained had recently been brought under the attention of Parliament in that House by the hon. Member for Southwark, and in another place by a noble and learned Friend of his (Lord Brougham), chiefly in connexion with the subject of education. That noble and learned Lord had since informed him that it was his intention shortly to introduce a Bill for the purpose of establishing a central Board of Commissioners, which should have the control and supervision of charities, as far as education was concerned, with certain powers of directing the trustees to apply the funds in a certain manner, in conformity to the original intention. He did not think that it would be advisable to introduce any clause to that effect in the present Bill; but he was of opinion that before long Parliament would find it necessary to take up the subject. For his own part, he should be ready, either if any other hon. Member undertook it, to second and support any measure which he thought might be effectual for the purpose, or, if no measure was introduced into Parliament, as a member of the Government, he should be prepared to consider what course should be adopted for the purpose of securing a general, an efficient, and an intelligible control of the charitable funds of this country. At present he could only say, that he was inclined to consider the measure which some time ago had been introduced by the right hon. Baronet (Sir Robert Peel) with respect to a certain class of chartered schools in Ireland, as presenting a very fair model of a measure for that purpose, in which he (Lord John Russell) could at once fully and entirely coincide.

Sir *Robert Peel* thought no one could for a moment contest the truth and importance of the observation made by the hon. Member for Southwark, that they should all, on such a question as the present, whatever might be their divergence of political opinion, endeavour to consider this question on its own merits without any party bias, and solely with the view of making the clause as satisfactory in its operation as possible. With that object in view, and there being no difference of principle between them, they had first to secure the application of those charities as nearly as possible to the original intentions of their foundation, and in the next place to prevent the abuse of them for any Parliamentary or electioneering purposes. The only question was by what mode those objects could be most efficiently carried into practical effect. He agreed with the hon. Member for Southwark, that wealth, property, and station in society were not necessary guarantees of the due performance of a charitable trust. The truth was, that persons were apt to undertake the duty of trustees without at all considering the obligations which that imposed on them; and in proportion to the high station which they occupied in society, having more important matters to engross their time, it was not likely that they would give all that detailed and continuous attention to the trust which, perhaps, its interest and importance demanded. But while he agreed with the hon. Member so far, he must be allowed to go a step still further. He confessed he did not think, on the other hand, that any system of popular election or control would of itself supply a sufficient guarantee that the charity trusts would in all instances be properly discharged. He did not by any means wish to undervalue the usefulness of that principle. He believed that popular control would induce the Council to administer properly the borough funds, to enforce a system of economical expenditure, and adopt proper measures with respect to paving, lighting, and other local matters in which the interests of the borough might be internally concerned. But with respect to charities, he did not think that popular control would be a sufficient check to the abuses which were complained of under the present system. Party feeling would no doubt enter into the constitution of the Council, and where there were advantages to be distributed, and good things to be given away, they had a right to presume the possibility of abuse, and adopt the best means of preventing it. The whole of this country was divided in political feeling, and those differences of opinion and prejudices existed to as great, if not to a much greater, extent in small boroughs as compared with large towns. Indeed, he very much doubted whether the severest contests might not, in the history of elections, be traced to local partialities for particular families rather than to any broad and distinctive differences of opinion on great political questions. The predominant party must, according to all analogies of the Constitution, be presumed to be a body capable of committing an abuse, and therefore they ought to take some security that the perversions which had occurred under the old system should not be perpetuated under the new. Their first object should be to provide for the due fulfilment of the original trust, and then to take care that no perversion took place. He greatly regretted that the House was called upon at present to make any arrangement on this subject; for he was most anxious that the fulfilment of these trusts as originally intended, should be secured, and the perversion of them to any but the specified or proper purposes be prevented. He was afraid, however, that if they were under the complete control of the corporate bodies, the application of these funds would be guided by the political opinions and party and private prejudices which must inevitably prevail in such bodies as those contemplated. The hon. Gentleman the Member for Southwark proposed, and the noble Lord appeared to assent to his proposition, that there should be instituted some Central and general Commission, which might exercise a superintending authority over all these Charities. He did not deny that in some cases a superintending Commission might do some good; but he very much doubted whether the appointment of one to watch over the distribution of the existing charities would be attended with the advantages which the noble Lord seemed to anticipate. These charities were generally granted by individuals, to be applied to some specified purpose, for local and individual benefit. Now, the management of such funds must naturally rest with those who are resident at the place in which they were to be distributed. A superintending board might very well direct the mode in which the accounts of charitable bodies should be kept, or originate the appointment of trustees; but as these charities were strictly local, as different objects were contemplated by the establishment of each of them, as they were held in trust by different persons and different bodies of persons, the immediate direction and superintendence of them must be local. And no board sitting in London could determine whether they were applied to the proper personal purposes which they were originally meant to answer. All the knowledge which the details connected with such funds called for, required local and individual management, and imposed upon the Legislature, the necessity of leaving them to the management of local authorities, to be constituted in some way or other. The noble Lord had alluded to a Bill which he had brought in with respect to endowed schools in Ireland, and argued that because he had appointed, under that Bill, a Central Board in Dublin, he was favourable to the formation of a similar body to watch over the distribution of the funds of the various charities throughout the country. The cases, however, were very different. These endowed schools were, in Ireland, spread over the whole country, and it was very easy for a board sitting in Dublin to exercise a superintendence over schools all established on the same royal foundation, to direct the amount of salary to be paid to the masters of them, and to watch over their general management; but it did not follow that a board appointed in Dublin to direct the distributions of the funds of the numerous charities in Ireland could attempt to answer the object of their establishment with any prospect of success. He was very much afraid that they were proceeding to legislate with respect to these charities without sufficient information. He had hoped (and he would certainly suggest it to the noble Lord) that the noble Lord would, before they took any step in the settlement of this question, have appointed a Select Committee for the purpose of making a report to the House on the nature of the charities connected with Corporations. He thought that some scheme must be devised by which a provisional arrangement must be entered into, before the Clauses which regard to charities supposed to be connected with the Corporations, could be carried into operation. He was quite satisfied that the charities of the old Corporations, which were left under bequests, or Acts of Parliament, could not be transferred to the new bodies without making some intermediate provision. The nature of those trusts varied exceedingly; for instance, some of them were left for the benefit of the freemen, who were those appointed under a totally different system to be in future the recipients of these funds. The freemen were, by this Bill, about to be extinguished; in what manner were these funds, left exclusively for their advantage, to be in future applied? By the great Revolution which was about to be effected in Corporations the new trustees would find it exceedingly difficult to administer them according to the original intention of the donors. This dangerous question would also be raised by it, "What is corporate, and what is charitable property;" Now he thought it would comparatively be a very easy matter for nine or eleven gentlemen first to give a general view of the different trusts, to distinguish between those which could be considered only corporate property and those which were detached from the Corporation, and determine by what scheme they might be applied, as strictly as possible, to their original purposes. He would, at all events, recommend the noble Lord to erase that Clause by which every person is prevented from being a charitable trustee, under the new Bill, who is not a burgess. There were many respectable Clergymen and Gentlemen who were perfectly well qualified to become trustees to charities but who had no desire to mix in local politics or differences, and who would, therefore, be unwilling to become enrolled as burgesses. He would not hesitate to go the length of saying that the man who had no direct interest either in electioneering or Municipal purposes, would be far the most likely man to use his exertions towards the fair and honest application of charitable funds. He begged, in conclusion, to impress on the mind of the noble Lord opposite, that such a transfer of trust as this Bill effected, should not be made without due consideration and on the fullest information. There was in one city so large a sum as 18,000*l.* a year disbursed annually under charitable trusts. How did they mean to deal with such property? which must prove a blessing or a curse, according as it was well or ill applied. It would, he thought, be most desirable, if the noble Lord should not consent to the postponement of the question of charitable trusts until the House was in possession of the knowledge which would enable them to legislate properly on the subject, that he should agree to leave the further consideration of this and three or four other Clauses which referred to charities, until the other provisions of the measure were disposed of.

Lord *John Russell* quite agreed with the right hon. Gentleman that those persons who were best qualified to be trustees of charities would not perhaps wish to become burgesses. He would, therefore, consent to strike out that part which required the trustee of any charity to be a burgess. With respect to the appointment of a Commission to which the right hon. Gentleman alluded, if he thought that appointment could lead to any practical result, he should not hesitate to accede to the Motion; but he did not at present see that it would be attended with any such effect. If the right hon. Baronet wished to have the Clause postponed till Monday, with a view to make any favourable alteration in it, he would not object to its being postponed.

Sir *Robert Peel* could not hold out any such hope to the noble Lord. He would however say one word more with respect to a Commission. He thought that much more good might be effected by the appointment of some person attached to one of the offices of state, who would give constant reports to

Parliament of the mode in which the duties of those invested with charitable trusts were fulfilled, than by the establishment of any cumbrous Commission. Instead of dividing the Government of the country into a variety of Commissions it was his decided opinion that when any increase of its functions was rendered necessary for such an object as that of watching over the management of charitable uses, that some person should be attached to one of the Departments connected with some of the responsible Ministers of the Crown, by which course all the expense of a Commission would be saved, and the danger of having such practices carried on under the countenance of such a body as might escape the observation of Parliament, avoided. He would throw out, therefore, a suggestion, the adoption of which would save a ten-fold degree of expense, that a clerk should be added to those of the Treasury or Home Office, who should have the direction of these charitable funds, and should have part of his time employed in some other business if it should happen not to be wholly engaged by the duties imposed on him. He did hope, therefore, that the Government would give up the idea of appointing any Commission, but would see that the duties of such a body should be performed by some person in the office and under the control of some responsible Minister of the Crown.

Mr *Hume* hoped, that the Clause would not be postponed. He was sure that a clerk would never be able to watch over the proceedings and control the management of the charitable trusts of the country. Although the proposition of a noble and learned Lord did not entirely meet the views which he had taken of the system of charities as regarded education throughout the country, yet he agreed with the substance of them. He was convinced that a general and superintending control over every charity in the kingdom, such as that contemplated, would be successful in guarding against abuse. Therefore, he hoped that instead of multiplying the number of persons engaged in the Departments of the Government, they would, where it was found necessary, appoint such a body as might be expected to watch with due care over the expenditure of thousands and millions of property invested in charitable trusts.

Sir *Matthew White Ridley* moved the following Amendment:—"Provided also, and be it further enacted, that nothing in this Act shall extend, or be construed to extend, to alter, abridge, or take away the right to any premises, hereditaments, land, or funds, which may now be the private property of any incorporated company in any borough, whose title to such property is independent of the existing Corporation of such borough, and which such company may hold under ancient charters, confirmed by Crown grants, long usage, testamentary bequest, or Parliamentary enactment, to and for the particular use and benefit of the members of such incorporated company."

Sir *Robert Peel* wished to be understood as not having spoken of charities for the purposes of Education, when he adverted to the appointment of a Commission.

The *Attorney-General*: It was impossible that the Bill could be construed to affect in any way the species of property alluded to in the Amendment of the hon. Baronet (Sir M. Ridley). The different descriptions of property to which he had adverted, were under the control of certain bodies, or what might be termed separate Corporations. He hoped that the Clause would not be persisted in; for though it was impossible to deny that much greater difficulty existed in legislating on this subject, than if these charitable trusts had been of late invested, still he expected that under the proposed system, all the beneficent purposes for which they had been left would be fully answered.

Mr. *Pemberton* thought the Clause admitted of much improvement and wished it postponed. He would only say in the hope, that the Clause might be postponed, that the proposed transfer of charitable trusts would be a perversion of the intentions of the original donors.

The *Chancellor of the Exchequer* suggested whether the final consideration of the Clause should not be postponed until a period when they might come better prepared for the discussion upon it. The intention of the Bill was, that the liability of the present Corporations with respect to charitable trusts, should be continued in the new Corporations, and it was therefore fitting that they should have a choice in the trustees.

Mr. *Cresset Pelham* had understood from the noble Lord, the Secretary of State for the Home Department, that the probability was that this Clause would be postponed with a view to referring the whole subject of charitable trusts to the inquiries of a Commission. He was very desirous that the question should be investigated by an impartial and efficient tribunal; and recollecting that some years ago a Commission had sat for that purpose, he thought the labours of that Commission might be made the ground-work of a new Commission; and among other objects, to avert the danger of the hostile collision which might be apprehended in the transfer of authority from one body to another.

Mr. *Hume* adverted to the manner in which, in Scotland, trustees for the administration of similar trusts were appointed. Of a body of twenty-one-trustees, the Council elected ten, and the burgesses eleven. This formed a very efficient board of control; and perhaps the same principle might be applicable in this country. He wished to throw out another suggestion. It was frequently the case that the burgesses were not sufficiently acquainted with the purpose for which charities had been instituted. The whole of the accounts ought to be open to general inspection, in order that it might be ascertained whether or not the legitimate object of the charity was carried into effect.

Mr. *Harvey* observed that it might be desirable to postpone the consideration of the Clause, but that it was obvious that the Clause itself could not be altogether dispensed with. The old Corporations were about to be extinguished; and it was necessary to take care that the goods and chattels of the deceased should be properly disposed of. If the property in question were left unprotected, it would be like a wreck on the shore, and thousands would be scrambling to come in for a share of it. It was important, therefore, that the property should be administered by trustees; and the Clause had that object in view. The right hon. Member for Tamworth had misunderstood him in one point. He had never stated or contemplated that all the charitable funds in the country should be in the hands or under the control of a permanent board. All that he suggested was, that there should be a permanent board of supervision, to which the trustees of the different charities might, from time to time, be amenable. But it never, for a moment, occurred to him that the actual administration of all these charitable trusts—thousands in number, and local in their character—ought to be transferred from trustees on the spot, to a board in London. With respect to the Councils, in his opinion, neither should the members of them be altogether excluded from the trusts in question, nor, should those trusts be exclusively composed of members of the Council. If from the trust all members of the Council were excluded, the consequence would be the creation of a formidable power in every town much greater than the Corporation. But he thought that a provision might be made, that where there were fifteen trustees, not more than seven or eight of them should be members of the Council.

Lord *John Russell* deprecated further discussion of the Clause at the present moment, and more especially with reference to the Question of whether only a portion of the trustees should be composed of members of the Council.

Mr. *Clay* could see no objection to making the members of the Council, *ex officio*, trustees. He wished for no limitation in the choice of trustees.

Mr. *Scarlett*, while he admitted, that in small towns it might be difficult to find persons, not members of the Council, who were competent to be trustees, thought that in large towns it would be highly expedient that the trustees should not be exclusively members of the Council. It was not his opinion that existing abuses would be much lessened by this Bill, which transferred power from an independent to a popular body, that had every motive to distribute their patronage for political purposes. It must be recollected, that although the burgesses themselves might not be in a condition to benefit from the mal-administration of these trusts, every burgess had many relations, some of whom might be in such a condition. If the Town Council, a popular body, had the whole administration of these charities, it was certain, if any reliance could be placed on experience, that they would be appropriated entirely to political purposes. Such could not be the object of either side of the House; and it was, therefore, exceedingly desirable that time should be given for the consideration of the subject. Otherwise, they would not be acting on the professed principle of the Bill; which was that the funds in question should be administered in a fair and honourable manner.

Various verbal Amendments were agreed to; and eventually the amended Clause was ordered to stand part of the Bill.

On Clause 62 (Council to become trustees of all acts, of which Corporations were, *ex officio*, sole trustees) being read,

Sir *Frederick Trench* said, that he wished to know from the noble Lord opposite if it was his intention to propose any Clause to prevent Roman Catholics or other Dissenters from interfering with the patronage of the Established Church as connected with these Corporations. Under this Bill, Roman Catholics and Dissenters were eligible to be chosen on the Town Councils, and, unless some provision were introduced to guard against it, such would have the disposal of the Protestant Corporation patronage partly in their hands.

Lord *John Russell* said, that he would refer the hon. Gentleman to the fact that the statute of Charles 2nd, which excluded Dissenters from Corporations, had been repealed.

Sir *Frederick Trench* said, he did not mean any discourtesy to the noble Lord, but he must say, that he looked upon the noble Lord in no other light than as an instrument in the hands of those about him. He did not mean to say that the noble Lord himself had any designs hostile to the Established Church; but, seeing that he was only an instrument in the hands of those who had, he thought it behoved the House to see that the interests of the Protestant Church were not injured by this Bill. He considered that the noble Lord and those around him were utterly unable and incapable to carry on the Government of the country. The noble Lord was, in fact, in the hands of the great giant, who wielded him, as his victim, just as he pleased. The object of his question to the noble Lord was to ascertain if the interests of the Protestant Church and its patronage were to be preserved in the hands of men belonging to that Church? To that question the noble Lord thought proper to reply with a sneer, but he could tell the noble Lord that he should always do his duty in that House honestly, conscientiously and fearlessly, whatever view the noble Lord might think fit to take of his conduct.

Lord *John Russell* did not think that he had said anything to subject him to the imputation which the hon, Gentleman had cast upon his observations. What he said, had immediate reference to the subject before the House. The hon. Member wished to know if Ecclesiastical patronage was to be exercised by members of the Established Church; and what he (Lord John Russell) said in reply was, that the Act of Charles 2nd, which excluded Dissenters from Corporations, had been repealed by Parliament without any restriction, and that it certainly was not his intention to make any new provision to re-enact the Test Act.

Mr. *Law* said, that the effect of the present Bill would be to nullify the 15th section of the Emancipation Act, prohibiting Catholics from at all interposing with any appointments connected with the Established Church. He did not mean to say that he considered the danger to the Church greater from the Roman Catholics dispensing its patronage then other Dissenters: but he disapproved of any Dissenters having any influence over the patronage of the Church. It was true that Dissenters had been admitted to Corporations, and had thereby been concerned in the distribution of Church patronage; but it should be recollected that they were now taking property from the hands of the trustees, in whom it had been vested by the original donors, and were about to place it in other hands contrary to their intention. He was not desirous of establishing any test to ascertain the religious creed of Councillors, but some provision should be made to prevent Dissenters from interfering with the appointments of the Established Church, allowing them to do which would be as unjust as it would be to enable Churchmen to interfere in the appointments of Dissenters.

Mr. *O'Connell* said, that the hon. and learned Gentleman, when he talked of disappointing the will of the original donors, forgot how many souls were at this moment suffering in purgatory for want of the masses they gave their property to obtain. As the hon. and learned Gentleman had been pathetic upon the disappointment of the original donors, he would in his turn be pathetic, and appeal to him on behalf of the suffering souls who had not had the masses celebrated for them, which much of this property was given for. At all events he could assure the hon. and learned Gentleman that his fears were vain; for by the Irish Penal-laws, passed by a gross breach of the faith of Treaties, the Roman Catholics of Ireland were deprived of all power, directly or indirectly, to present, either individually or as Corporators, to any living, and these statutes had never been repealed.

Mr. *Law*: That is in Ireland.

Mr. *O'Connell*: Nor in England; and the Duke of Norfolk could not now present to any advowson, any more than before the passing of the Emancipation Act. The 15th section of that Act kept the penal statutes in full force, and there was nothing in this Bill to repeal them. He was, however, quite ready to agree to any Clause preventing the interference of the Roman Catholic Councillors, under a penalty, with any appointment relative to the Established Church. He did not exercise power of this kind, as he might, in his own religion, for he considered the subject too delicate for him to meddle with; and *à fortiori*, he did not wish to meddle with the ecclesiastical appointments of a religion with which he was unconnected.

Mr. *Law* said that his point was, that under this Bill there would be no means of ascertaining what Councillors were Dissenters. He wanted those means, in order that Dissenters might be prevented, should they be so disposed, from improperly intermeddling with Church property. As to the term of "the original donors," he applied the term in a larger sense. He used it in reference to the numberless trusts confided to Corporations to be affected by the Bill.

Mr. *O'Connell* would protest against the introduction into this Bill of any test to make a distinction between Dissenters and the members of the Established Church. He would repeat, however, that he should have no objection to impose a penalty on Roman Catholics acting improperly in regard to Church livings.

The *Chancellor of the Exchequer* said, that the existing state of the law had been lost sight of. Corporations were already open to Dissenters, and in many there was a preponderance of Dissenting members. Besides, there was no statute against a Dissenter possessing and disposing of the advowson of a living. Suppose that he (the Chancellor of the Exchequer) became a Dissenter, still that circumstance would not divest him of any control he might have in the usual way over Church property. If the principle of excluding Dissenters from controlling the advowsons invested in Corporations was good for anything, it was also so far good as to exclude Dissenters from exercising any power over their private property in advowsons. The late Mr. Wm. Smith was a Dissenter, yet who disputed his right to dispose of advowsons? Now, hon. Gentlemen, ought to go the whole length of the principle, or not argue upon it at all. He confessed he would rather see all Church patronage in the hands of members of the Established Church; but that was not the question under consideration.

Mr. *Williams Wynn* abstractedly agreed in the proposition of the honourable and learned Member for Dublin, as to the original destination of this property; yet, after a practice of 300 years had violated the theory, he thought it would be a gross violation of the rights of private property, strictly to enforce the abstract proposition. He did not wish to dispense with any check that was provided by law on the Dissenters (including of course Roman Catholics) from interfering with the property of the Establishment. By the Act which repealed the Test and Corporation Acts, a declaration was required to be made by all persons, on taking any corporate office, that they would not do any thing that was prejudicial to the established religion; but the Bill now before the Committee would dispense with that declaration, and enable Dissenters to assume corporate offices without any check whatever. He on a former occasion expressed his disapprobation of the Oath of Abjuration, because he thought it inoperative; but he at the same time approved of the Oath of Allegiance. Upon the same principle he now disapproved of any religious test; but he thought that before any person belonging to these corporations exercised any power in dispensing with Church patronage, some declaration ought to be made similar to that contained in the Act repealing the Test and Corporation Acts.

Lord *John Russell* after what had fallen from the Right Honourable Gentleman, wished to state what he considered the present state of the law to be, and what would be the effect of this Bill. The Act repealing the Test and Corporation Acts replaced the ancient securities by a declaration to be taken by every person assuming an office either under the Crown or in a Corporation. But that declaration was not to be a test applied to the conscience; and he was of opinion that after this Bill should be passed, the same declaration would be required from persons taking office as was now required by the law.

Lord *Sandon* thought that as the Clause now stood, it would be a practical invasion of the rights of the Church, inasmuch as the power of presentation would be given to members of Corporations without any restriction, or any mode of ascertaining their religious principles.

Mr. *Wilks* was delighted to hear the observations made by the noble Lord, the Secretary for the Home Department. He begged to assure the noble Lord, the Member for Liverpool (Lord Sandon), that there was nothing in the law of England to prevent Protestant Dissenters from being proprietors of every advowson in England—nay, nor Roman Catholics. [Mr. *O'Connell:* Roman Catholics are prevented, but Jews are not.] What, then, would be the consequence of any such alteration as should preclude Dissenters, in any of these boroughs, from acting with the rest of the members of the Common Council in the dispensing of Church property? It would be to raise up that spirit which, for half a century, all parties had been endeavouring to destroy. If Parliament were to make any such distinction, it would tend very much indeed to defeat that general harmony which it was the object of the Legislature to effect by repealing the Test and Corporation Acts; and would create anew the tyranny of the members of the Church, and cherish afresh those irritations and that spiritual tyranny, arising from dissent, which it was the hope of all would be done away with by the repeal of the Test and Corporation Acts.

Mr. *Twiss* suggested, that each Dissenting member of a corporation should make the declaration prescribed by the Test and Corporation Acts; and that a Clause should be introduced to that effect. Another point he would suggest was, that corporations of towns ought not to be invested with Church patronage under any circumstances, and still less so when, as would be the case under this Bill, the members of the Corporations would be elected by large bodies of the lower classes, subject to many passions and prejudices from the influence of which a more select and better educated class of electors would be exempt. A tyranny of this kind would be much worse than that of which the hon. Member (Mr. Wilks) had spoken. He presumed that if a separate measure had been introduced to deprive Corporations of Church patronage, it would have received the support of hon. Gentlemen opposite, but he did not see why they should not support a similar principle in a Clause in this Bill. There were in Liverpool eighteen churches to which the Corporation of that town had the presentation. Would it be fit that Protestant clergymen should be going about to solicit the patronage of the ninety Town Councillors who were appointed by a body ten times as numerous?

Lord *John Russell* appealed to the Committee, whether it was proper to protract this discussion, inasmuch as no amendment had been proposed. He had already said, that a declaration must be taken by the members of the Corporation; it was not necessary, therefore, to introduce any clause to that effect. The question which the hon. and learned Gentleman had raised, as to whether the Corporation ought or not to exercise the power of appointing to Church livings at all, was one on which he would not give an opinion. If the question should be brought forward, he admitted it would be worthy of consideration; but this was not the time to discuss it. He therefore hoped the Committee would at once pass the Clause.

Sir *Frederick Trench* said, that it was his intention to propose an amendment, inamuch as he thought that this was calculated indirectly to do that which no person would attempt to do openly and directly. He believed that the effect of the Clause would be, whatever might be the intention of those who proposed it, to destroy the Established Church. If he had on a former occasion expressed himself warmly, he begged to assure the Committee he had done so sincerely; and his conscientious belief was, that the noble Lord opposite (Lord John Russell) and many of his Colleagues were nothing but puppets in the hands of the giant opposite. The amendment which he intended to move would be to the effect that the property of the Church should be at the disposal of those persons only of the Town Council who were members of the Established Church; but as he understood that it would come in more properly in the 79th Clause, he should defer it till that Clause was proposed.

The 62nd Clause was agreed to.

On Clause 87th being put,

Mr. *Harvey* said he had an amendment to move upon that Clause. He thought Recorders, who were, in fact, Judges, ought not to be placed in the dependent situation of seeking favour from attornies; and, therefore, he moved as an Amendment to the Clause, "that no person shall hold the office of Recorder of a city, town, or borough, who practises at the assizes or sessions of the county in which such town or borough is situated."

The *Attorney-General* said, he had no objection to the principle of the Amendment; and would agree to it, if it were possible to provide such salaries for persons filling the office of Recorder, as would induce them to give up their practice; but the boroughs would not submit to the pecuniary burden necessary to effect that object.

Mr. *Hume* said, the way to meet the objection stated by the noble Lord, was to enact, that no borough should have a Recorder which would not provide the funds to maintain him adequately.

Mr. Sergeant *Talfourd* said, that as he filled the office of Recorder, he could state from experience, that his conduct as a Judge was never in the slightest degree influenced by his practising as a Barrister. If the Committee should be of opinion that the adoption of the Amendment would promote the pure administration of justice, he would submit to its decision, although it would sever a tie which bound him to the Corporation of the town which he represented.

Mr. Sergeant *Goulburn* approved of the Amendment on the ground that the conduct of a judge ought to be above suspicion. It was almost impossible that if a Recorder was in the habit of practising as a Barrister circumstances would not occur which would be prejudicial to his character as a judge.

Mr. *Grote* admitted the justness of the principle on which the Amendment of the hon. Member for Southwark was founded, but recommended him not to press it to a division, because, if carried, it would deprive the smaller boroughs of the advantage of having Recorders at all, on account of the expense which their appointments would then necessarily lead to.

Mr. *Harvey* withdrew the Amendment. Clause agreed to.

Clauses to 94, inclusive, were adopted.

House resumed. Committee to sit again.

## HOUSE OF LORDS,

### *Monday, July* 6, 1835.

MINUTES.] Bill. Read a third time:—The Merchant Seamen Bill.

Petitions presented. By Viscount DUNCANNON, from the Inhabitants of Leuchars, against Church Patronage (Scotland); from the Inhabitants of Lennoxtown, against granting Money for Additional Churches (Scotland); from the Inhabitants of Lochee, for granting Money for Religious Education (Scotland); from the Inhabitants of St. Nicholas, St. Margaret's, and Screen, for the Abolition of Tithes (Ireland).

ISLINGTON MARKET BILL.] The Marquess of *Salisbury* brought up the Report of the Islington Market Bill. It stated in substance the doubts that had arisen on the minds of the Committee as to the rights of the City; and they wished to hear counsel at the Bar, and that the Judges do attend to hear the arguments and assist their Lordships.

Lord *Brougham* said, that there were cases in which the Judges were summoned, but there must be something peculiar to justify such a proceeding. He did not mean to say that such was not the case in the present instance. He should not oppose the Motion.

The Bishop of *Hereford* thought that it would be better to have the opinion of two of the learned Judges upon the question of the rights of the city of London.

The Marquess of *Salisbury* could not consent to the proposition of the right reverend Prelate, which, indeed, he did not think to be quite regular. He should, therefore, now give notice, that it was his intention to move that the Judges be summoned, and that this question be put to them—whether matters relating to the vested rights of the Corporation of London would be affected by this Bill. He should move that this question be argued by one counsel on each side. He was not aware that a Bill of this nature was ever referred to two Judges alone.

The Bishop of *Hereford* said, that if the Bill was to be referred to the Judges, he suggested whether this question ought not to be argued—whether, under the charter to the city of London, Parliament was not precluded from establishing other markets.

The Marquess of *Salisbury* could not possibly agree to frame the question in such a manner.

The Duke of *Richmond* presented a petition from —— Rhodes, Esq., a gentleman residing in the county of Essex, praying to be heard by counsel against a certain part of the Islington Market Bill.

The Marquess of *Salisbury* was very sorry to be compelled to oppose this Petition. The subject had already been discussed before the Committee. If, with reference to any agreement which the petitioner had entered into, he felt himself aggrieved, the matter ought to be investigated in a Court of Law.

The Duke of *Richmond* said, he wished justice to be done to all parties who were affected by this Bill; but it would not be doing justice to the petitioner to take his land without giving him a proper equivalent. The petitioner stated, that in signing the agreement to which allusion had been made, he had been mistaken, and that the other party had taken an unfair advantage of him. The petition ought to be referred to the Committee; and though it might occasion a delay of a few days, still he would say, let the petition be inquired into, and let the petitioner have justice. As the Committee had reported, it was no longer in existence; but when it was moved that the Bill should be re-committed, he should certainly propose that the petition should be referred to the Committee.

Lord *Brougham* complained of the manner in which Select Committees of both Houses of Parliament conducted the business intrusted to them. He recollected, some years ago, when a Bill was referred to a Committee of the other House, and a proposition was made respecting it, which was supported by fourteen Members who had attended to the evidence, down came sixteen Gentlemen who had never heard the evidence, and they decided the other way. The proceeding was, however, complained of in the House, and by acclamation the decision was set aside. In consequence, the Bill was ultimately thrown out. Such was the conduct of those Judges—not Judges of Oyer and Terminer, but Judges of Terminer *sans* Oyer. This being the mode of carrying on the Private Bill business, he should always, as he had heretofore done, protest against such a course of proceeding. Noble Lords and hon. Gentlemen ought to recollect that on these occasions they were deciding rights as judges. They were making laws which suspended in many cases the course of the Common Law, and of the Statute Law of the land. They, however, concocted laws, and decided on important points, in a way in which no judge or juror would dare to decide a case involving property to the amount of 10*l.*; that was, without hearing the evidence or examining the parties who were interested on both sides.

Lord *Wharncliffe* said, their Lordships were acting as judges; and if they read the evidence, they could always make themselves masters of the subject. The evidence in these cases was always printed for the House of Lords, which was not the practice with the House of Commons.—[Lord *Brougham:* Yes, it is.]—He had applied for evidence given before a Committee of the other House, and could only get it in manuscript. They were not, it should be observed, bound by the Report of the Committee. They might throw out the Bill on the third reading. It was still a matter for their consideration, notwithstanding the Report of the Committee.

Lord *Brougham* said, the process of the House was this; they referred a Bill to a Select Committee, and they placed faith in the decision of that Committee. It was just the same as the Court of Chancery sending an issue to be tried for the purpose of getting at the opinions of a jury. Their Lordships would unquestionably proceed on the Report of the Committee to whom a particular inquiry on the merits of a Bill was intrusted. That Committee was the body by whom the question was to be tried, and it was supposed that they would give their opinion upon hearing and seeing evidence. The House adopted their Report, because it was supposed that the Committee had fully and fairly performed its functions.

The Duke of *Richmond* agreed with the sentiments of his noble and learned Friend much more than with the observations that had been made on the other side. Nothing would make him, for one, vote on a private Bill, unless he had listened to all the evidence, and seen the witnesses.

Lord *Wharncliffe* said, he merely objected to the extreme principle as laid down by his noble and learned Friend.

The Marquess of *Salisbury* said, that in his opinion no noble Lord ought to vote on a Bill of this sort, without, at all events, having previously made himself fully master of all the evidence.

Petition to lie on the Table.

LOWER CANADA.] The Earl of *Ripon* presented a Petition from the inhabitants of Lower Canada residing at Quebec, on the subject of the present state of that province. He was not aware of any reason why the petitioners had placed in his hands this petition, except that they knew that he had always entertained the sincerest and most ardent wishes for the prosperity and happiness of the province, and had been desirous to contribute everything in his power to promote such an end. The petition was signed by persons chiefly residing at Quebec, and the numbers who had signed it were considerable. There were between five and six thousand of English descent, and between six and seven hundred of French descent. The petitioners stated the gratitude they felt to the British Government for the constitution given them in 1791, which they conceived was capable of being suited to all purposes of good government. They stated that the practical working of that constitution was not attended with the advantages they had anticipated. They complained of the law by which the rights of election were exercised, and stated that the effect of it in practice was to exclude from the representation of the people those who would represent that part of the people of the province who were of British descent; that the House of Assembly arrogated to itself a degree of power and authority that did not properly belong to it; and that the intervention of Parliament was necessary to correct the evil. There were two circumstances connected with the province which were attended with injurious consequences; these were the composition of the Legislative and of the Executive Councils. The first was composed of gentlemen who were appointed for life; whereas the petitioners stated that they should be elective, and they wished to see some efficient regulations made and enforced, by which persons who, by fortune and situation, were independent alike of the Government and of popular control, should be appointed. It had been his (the Earl of Ripon's) duty, when connected with the Colonial Office, to attempt something of the kind, and he had issued instructions to the Governor strictly to abide by that principle in all the recommendations he made to the Home Government with a view to fill up any vacancies that might occur in the body. As to the Executive Council, which somewhat resembled what the Privy Council was in this country, it would be difficult to say in what manner any change should be made; but some change ought to be adopted which would give that body a just claim to the confidence of the public at large. It should not be composed in such a manner as to render its members objects of distrust and dislike to the community in general. He need not state how much he agreed with the recommendations in this petition. The circumstances in which Canada now stood rendered this an unfavourable moment for Parliamentary discussion respecting it; but he might be permitted to express his hope that the Commissioners who had been appointed, and who had now sailed—[The Earl of Gosford (the Commissioner) was here pointed out to the noble Earl]—he begged pardon, but he really believed that his noble Friend had gone—would have every success in the object of their mission, and that that important province would owe its tranquillity to their efforts, that the heats which were now prevalent there might be allayed, that the cause of animosity might subside, and the country be able to enjoy those blessings to which its position and its resources entitled it.

The Duke of *Richmond* presented a similar petition, very numerously and respectably signed, from the inhabitants of Montreal. The petitioners stated, that the Judges were held in a state of dependence upon the House of Assembly, and they complained of the old French Feudal Law, which still prevailed in the province, and which interfered with the freedom of the sale and transfer of land, so as materially to injure its value. He hoped that these subjects would attract the attention of the Commissioners, and that they would satisfactorily settle them.

Petitions to lie on the Table.

## HOUSE OF COMMONS,

### *Monday, July* 6, 1835.

MINUTES.] Petitions presented. By Sir GEORGE STRICKLAND, from the Inhabitants of Keighly, for the Repeal of the Factories' Regulation Act.—By Mr. COLLIER, from the Inhabitants of Plymouth, against any such Alteration of Schedule A, as may unite the Borough with the Township of Stonehouse.—By Mr. WILLIAM ORD, from Newcastle, by Mr. BIDDULPH, from Hereford, and by Mr. GROTE, from Norwich, in favour of Corporation Reform. —By Mr. WILLIAM DUNCOMBE, Mr. SHAW LEFEVRE, Sir M. W. RIDLEY, and Lord Viscount SANDON, from various Places,—against Corporation Reform.—By Mr. SHARMAN CRAWFORD, from Ougharale and Burrishoole, Complaining of Distress (Ireland).—By Mr. BALFOUR, from the Farmers of Deerness, Orkney, praying to be Relieved from the Tax on Carts in lieu of Statute Labour. —By Mr. GROTE, from Aylesbury, for Vote by Ballot.— By Mr. PEASE, from Hartlepool, in favour of the Church Establishment (Ireland).—By Mr. Alderman THOMPSON, from Sunderland, and Mr. NICHOLLS, from Cardiff,—for the Repeal of the Reciprocity of Duties' Acts.—By Mr. Alderman THOMPSON, from Sunderland, and Mr. J. P. MILES, from Bristol, for the Suppression of Drunkenness. —By Mr. Alderman THOMPSON, from the Medical Profession of Sunderland, against the County Coroners' Bill. —By Lord Viscount SANDON, Mr. Alderman THOMPSON, and an HON. MEMBER, from various Places,—against any Alteration in the Timber Duties.—By Mr. WILLIAM ORD, from the Licensed Victuallers of Newport, against Additional Duties on Spirits; and from Newcastle, against a Grant to the Church of Scotland.—By Mr. CALLAGHAN, from the Cork Mechanics' Institution, for the Endowment of Lectureships; and from the Farmers of Carrigalane, against Tithes (Ireland).—By Mr. MAURICE O'CONNELL, from Mr. Robert Robison, for an Inquiry into the Conduct of General Darling.—By Dr. BOWRING, from Renfrew, against the Seamen Enlistment Bill.—By Dr. BOWRING and Mr. LISTER, from Bradford, and certain Persons at Dorchester, for the Repeal of the Stamp Duty on Newspapers.—By an HON. MEMBER, from Stratford-on-Avon, against the Imprisonment for Debt Bill.—By Mr. W. O'BRIEN, from Persons connected with the Fisheries (Ireland), for an Inquiry concerning their Distressed State.—By Mr. F. SHAW, from various Places, in Support of the Established Church (Ireland).—By Mr. W. S. O'BRIEN, from the Physicians and Surgeons of Limerick, against the Coroners' Act (Ireland).

TITHES.] Captain *Pechell* rose pursuant to notice to present a Petition most numerously signed from certain owners and occupiers of land in the vicinity of Chichester, Arundel, and Worthing, expressing their alarm at the recent decree of the Court of Exchequer in the tithe cause, Kemp *v.* Pechell, and praying for a speedy Commutation of Tithes. He wished to observe, that this petition had been put into his hands partly with a view of contradicting the observations made by the hon. Member for the University of Oxford as well by other hon. Gentlemen who impugned the truth of the petition which he presented on the 19th of last month, which observations were certainly as unfounded as they were uncalled-for. The hon. Member for the University (Mr. Estcourt) declared his belief that something must have been kept behind that petition, as the vicar complained of, never would have risked so expensive a suit in the Court of Exchequer, but for some great provocation on the part of the petitioner, thereby insinuating that he (Captain Pechell) had lent himself to the concealment of certain facts which would have materially altered the case; but he was sure the House would join with him in expressing its surprise when he stated that the hon. Gentleman, the Member for the University of Oxford, had at his own request, received from him some few days before the petition was presented, the most complete and unreserved explanation of the whole case of the petitioner, which the hon. Member absolutely acknowledged to be one of very great hardship as well as one of a perfectly novel character. He confessed, indeed, that this was a great admission for the hon. Gentleman to make; but he was not prepared certainly to find the hon. Gentleman afterwards standing up in his place, doubting the facts stated and opposing the petition as if he had been in perfect ignorance of its existence,—and declaring his belief that something must have been kept behind. He certainly dared hardly to express himself in terms sufficiently strong to vindicate himself from such unwarrantable insinuations as to suppose that the petitioner, an officer of unblemished honour could have descended to the unworthy practice imputed to him. At the same time, he was bound to state that in strict fact there were circumstances which were kept behind the petition, which he would take upon himself to say, none of the hon. Gentlemen who took part against the petitioner would have wished to be brought forward; and he should advise them to be careful lest he should now take this opportunity of letting the cat out of the bag; for in that case it would be seen that what was kept back was as discreditable to the character of the vicar as it redounded to the honour and high reputation of the petitioner. He should, therefore, at present, state one fact only, which he trusted would induce those hon. Gentlemen at once to acknowledge the injustice with which they viewed that petition, and which he should demand at their hands on the part of his relative. The House should know that when the disputes arose in the parish on account of the claim made by the vicar for the tithe of turnips, a vestry meeting was convened by the parishioners with the view to resist so novel a demand. The petitioner, as the principal landowner and occupier, when applied to, absolutely refused to join it, because he would not countenance any semblance even of a combination against the vicar. He wished at once to be understood that this petition was by no means intended as an appeal from the Court of Exchequer; but it was true, that it impugned the decree of the Chief Baron as being a case decided wholly without a concurrent decision; and being entirely of a novel character, it might have been decreed without costs, according to the principles of justice and equity. A captain of the navy might form as good and as correct an opinion of this, notwithstanding the observation of the hon. Member for the University of Oxford, as the Lord Chancellor himself, or even a representative for a school of grown-up-boys. He could assure the House that the farmers never could be brought to understand why they were to pay the tithe in kind of the green food given to their flock, which already paid tithe of agistment, for any sheep sold before shearing time, as well as the tithe of lambs and wool. The farmers could not comprehend the justice of preventing them from pecking up their turnips outside the fold or hurdles, because the flock was divided, and the whole of it had not access nor the range of the field at the time of pecking. They could not understand why they were obliged to risk giving their flock turnip-greens at improper periods, when the custom of the country and common sense indicated the necessity of pecking the turnip, in order to let it wither or die, or prevent it too soon running to seed. The decree of the Chief Baron declared that unless the whole flock had access at the time of pecking, the turnip tithe was due in kind. In this case, part of the flock had such access, the remainder being parted off by hurdles; consequently the sheep by treading and nibbling soiled the turnips and rendered them unfit for the market. He apprehended that no difference of opinion existed as to the right of tithe of agistment for sheep sold before shearing time; but he denied that there was any right in equity for tithe in kind of such turnips as should be pecked up, and left on the same ground for the only purpose of better feeding the sheep. He asserted, that it was impossible to set out the tithes of turnips so pecked in process of depasturage. The Chief Baron said, there was no difficulty; but that opinion did n o show how it was to be done. Even the vicar himself had very recently declared, that it was impossible to do it, and he demanded a money payment in consequence, which was paid to him for fear of another suit in the Court of Exchequer. Allowing every tenth turnip to be thrown aside, the vicar could have no dues unless they were heaped, because they had not reached a titheable form,—and there was no tenth heap, because the turnips when pecked remained in their places; and it had been decided that the occupier is not bound to do more for the parson than he does for himself. The analogous case of grasses of all kinds successively strengthened this case of turnips, as they might be carried away for feeding cattle and horses, because they were only in swathe and not cocked; and the green meat was necessary for the cattle, and difficulty existed in setting out grasses for tithes which had not yet reached a titheable form. Thus grasses were exempt from tithe on account of the difficulty of setting out; and why should not turnips be equally exempt? No one could dispute the difficulty or the impolicy of taking the tithe of turnips in the process of eatage and depasturage by sheep; and he defied the Barons of the Exchequer and all the hon. Members to show how it could be done. The decree in this case, was given as bearing on those cases cited where turnips were actually removed from the land, either for sale or feeding cattle, cows, or hogs. It was clear, that if the turnips had been pulled and carried off the land, the parson would have been entitled to his tenth, for such turnips could be heaped; and being carried away, the land lost the benefit of the manure made by the sheep. Such turnips, therefore, were carried out of sight of the tithe-owner, and he would be defrauded if he had not his tenth, though they might be pulled for feeding cattle belonging to the same farm, yet it might be in another parish. But there was no case on record where tithes of turnips had been claimed that were severed for the use of sheep on the same ground for the purpose of manure, and ameliorating the land for the ensuing crop. Mr. Eagle, who might be said to have lived in compiling tithe causes, had said in a recent work,—"That turnips are a prædial small tithe, and where pulled and carried off the land, are titheable in kind; but when eaten on the ground by unprofitable cattle or sheep not producing tithe of lamb or wool in the same parish, they are to be paid for as agistment tithes." The cases cited by the Chief Baron, were those of Echard and Brown, 1697; Humphreys and Stopher, 1705; Ringstead and Young, 1708. Blaney and Whittaker were also referred to, 1783. Now he ventured to say, that not one of these cases made mention of sheep or of pecking up the turnips. They all alluded to turnips pulled and carried off the land for feeding cattle and hogs; and it must be observed that in those early days turnips were only raised on the richer soils and were pulled and carried away from the land. No one ever thought of feeding them off by sheep for the purpose of ameliorating the land for a succeeding crop. This system had only of late years been introduced; and consequently the old cases cited by the Chief Baron wholly failed in establishing a precedent. He, on the part of the petitioners, thought that this case should not have been decided against the farmer with costs as well as with all arrears for any turnips pecked up within the period of six years. The petitioners had therefore strong reasons for viewing such a decision with alarm, seeing that a line had been drawn beyond which they were forbidden to peck up their turnips, which to those acquainted with sheep cultivation must appear most extraordinary. Captain Pechell then adverted to the course pursued on a former occasion by the hon. Gentlemen opposite, and declared that it would depend upon them now, whether he should bring to light some stronger facts which would strengthen the case of the petitioners. The defendant had shown the most honourable intention throughout, and his conduct afforded a perfect contrast to that of the plaintiff, who was his vicar. The only remedy now left to the petitioners was for this House to pass some law which would set at rest this most vexatious question to the agricultural interest. He therefore moved, that this petition be now brought up.

Mr. *Parrott*, though he did not trouble the House very often, could not lose this opportunity of approving every word expressed by the hon. Member for Brighton. The case of the petitioners appeared to him quite of a novel character, and highly injurious to the agriculturists, for whom he should always be found a zealous advocate. He considered it a great hardship even to pay what was claimed for tithes generally, which was the tenth of the produce; but he considered the caseof the petitioners to be monstrous; and some remedy should be speedily applied. What justice was there in this claim for tithe of turnips in kind whilst in the process of depasturage of sheep? He trusted the hon. Member for Brighton would not quit this subject till the grievances of the petitioners and of the country were remedied.

Lord *Sandon,* as one of the Members alluded to by the hon. Member for Brighton, having taken part in the debate on the presentation of a former petition, wished to correct any opinion that might have gone forth as to his wish or intention of casting any reflection on the statement made by that hon. Member as to the facts contained in the petition. He did not intend to express any doubt as to the authenticity of the petition; but he certainly had seen many petitions against the clergy which stated facts not afterwards borne out. He considered this not a party question, but one that required immediate attention; he hoped Ministers would speedily apply some remedy to prevent the recurrence of such vexatious proceedings as appeared in the petition.

Captain *Pechell,* in reply, said, after the satisfactory explanation of the noble Lord, he should wholly refrain from bringing before the House those facts which were discreditable to the clergyman, and which he kept in reserve unless provoked by hon. Members. He had received notice that other petitions were coming to him on the same subject, and it would depend on hon. Members whether he should remain quiet or not. The Hampshire clergymen certainly appeared to mark out the unfortunate naval officers for their prey and plunder, for he held in his hand a decree of Chancery in a suit just decided, "Richards *versus* Hulbert," where the parson actually claimed the tithe of grass after the tithe of hay had been paid for the same land. The parson wished to squeeze twenty-four months out of the year, as he claimed tithe for the grass between the two crops, viz., from Michaelmas to Lady-day, but the Lords Commissioners decided, "that the same land which had paid the tithe of hay was not to be charged with any tithe in respect of agistment in the period between the two crops." This decision showed that the exemption extended over the whole year, however reckoned; and that it was not to be regulated by the calendar year or the historical year, as the clergyman intended it should be. This case was in fact more vexatious, if possible, than the case now before the House. He trusted the Session would not pass away without a remedy being applied to these annoyances to which the farmer was subject.

Lord *Stanley* said, that though he was not perhaps perfectly justisfied in declaring what course he meant to take with regard to the Irish Tithe Bill, which the noble Lord, the Secretary for Ireland, had obtained leave to bring in, yet as he had taken an active part in all the discussions on the question to which the Bill referred, the House would, he hoped, excuse him if he stated a word or two how he meant to act with regard to this measure. The noble Lord opposite (Lord Morpeth) had prepared the Bill, at least so far as could be collected from his speech on introducing it, in such a way as that it involved two questions—two points of principle totally distinct from each other. One of these he (Lord Stanley) considered very desirable, the other so objectionable that no persuasion—no consideration whatever, could induce him to support a Bill embracing such a principle. He was placed, therefore, in this difficulty—that he could not oppose or support the Bill on its second reading without approving or condemning both the principles included in it. He would then offer the Bill no opposition on its second reading, with this distinct understanding, that he would take the earliest opportunity of objecting, when the one of the two principles to which he had alluded could be considered separately, to that by which the property of the Church was intended to be appropriated to other than Ecclesiastical purposes. With this reservation he would give the second reading of the Bill no opposition, but he hoped some time would be allowed after the Bill was printed for the consideration of the details, and for the purpose of seeing how far individual cases alluded to in the Report of the Ecclesiastical Commissioners, would be affected by it.

Corporation Reform—Committee.] On the Motion of Lord John Russell, the

House went into Committee on the Municipal Corporation Reform Bill.

Lord *J. Russell* said, that he thought it right to bring the 79th Clause, which had on a former night been postponed, as soon as possible under the notice of the Committee. It was altered in a great many points, and a considerable number of the changes which had been made in it were made in accordance with the amendments proposed by several hon. Members. He thought it necessary to mention two of these alterations. By the first, the Town Council were made liable to the payment of the capital as well as the interest of the debts of the Corporation; and by the second they were not at liberty to lower the rate until this debt of the Corporation was satisfied.

The Clause as amended having then been read,

Sir *R. Peel* said, that in case a surplus should remain after providing for municipal purposes, he hoped that the Town Council would not have the power of alienating what was considered corporate property. The Corporations had, in many instances, large estates, which in all probability would increase in value under a system of good government. Now, he apprehended that under the Bill, as it then stood, or at least as it was originally introduced, the Town Council would be invested with all the legal powers which the existing Corporations possessed; and according to the construction put on the law by the Court of King's Bench and other judicial tribunals, the Town Council might be enabled to alienate the property of the Corporation. The Corporation of the town of Derby imposed a rate at one time for the purpose of lighting and watching, under an Act called the County-rate Act. By this Act the Corporation of this town were empowered to levy a rate for certain municipal purposes. The Corporation of the town imposed that rate. It was objected to by some of the inhabitants on the ground that there were in the hands of the Corporation, sufficient funds to answer the object for which the rate was imposed. They alleged that they ought not to be called on to pay a rate in the shape of a county-rate until the funds of the Corporation were proved to be exhausted. In the Court of King's Bench, however, it was ruled (Lord Ellenborough being the Chief Justice) that they had no power to compel the Corporation to apply corporate property to municipal purposes and the validity of the rate was accordingly established. Lord Ellenborough ruled too, in that case, that except in certain instances, in which Ecclesiastical property was left within the control of the Corporation, the Corporation did possess the power of alienating its property and applying it to corporate, as distinguished from municipal purposes. Here might then be a case in which a clear surplus, arising from property belonging to the existing Corporations, would be placed at the disposal of the new body called the Town Council, and which might by them be applied to "corporate purposes," in the altered acceptation of the terms. What he desired, then, was, that if any such case as that to which he alluded should occur (and he admitted that it was likely to be of rare occurrence) the Town Council should not have the power of distributing or alienating corporate property without the authority of the Privy Council or some higher power.

Lord *John Russell* said, that he had provided for the case which the right hon. Baronet anticipated.

Sir *Robert Peel* said, it was difficult to amend the Bill even when the amendments were assented to. There was what appeared to be a discrepancy between the Bill and one of the schedules in an important particular, to which he begged leave to call the attention of the noble Lord. In page ten, line ten, the Clause assumed that the particular species of property for which an individual was entitled to vote should be described on the burgess roll: the words were these—"And no person shall be admitted to vote at any such election except at the booth allotted for the part wherein the house, warehouse, counting-house, or shop occupied by him, as described in the burgess roll, may be." It contemplated a distinct description of the nature of the property out of which the qualification arose, following the principle of the Reform Bill, as was indeed absolutely necessary in order to guard against those cases of fraudulent description which otherwise were likely to occur. If the noble Lord, however, looked at schedule D, he would find that there was no column for a description of the property, but only for the street in which it was situate. Arguing from the analogy of the Reform Bill, and on every principle of common sense, there should be a third column containing a specific description of the property out of which the franchise arose: at present the schedule was at variance with the enacting parts of the Bill.

Lord *John Russell* said, his attention had already been directed to the point, and he should take care to remedy the discrepancy. He might take that opportunity of mentioning his intention (although not intimately connected with this Clause) in relation to the question of wards. He proposed to carry the principle of dividing the town into wards further than it was carried at present by the Bill. He proposed that the Privy Council should direct a town with 12,000 inhabitants, and not more than 18,000 to be divided into two wards; when there were 18,000, and not more than 24,000 inhabitants, the town should be divided into three, and not more than four wards; and where the population exceeded 24,000, the town should be divided into wards, providing that not less than six Councillors should be elected by each, so that two should go out annually at every election.

Mr. *Wilks* thought it would be highly inconvenient, after the amendments proposed by the noble Lord (Russell) in the Clause now under consideration, to discuss it to-night, at least before those amendments were placed in a printed shape in the hands of hon. Members. Other propositions were to be made, and how could they proceed, when, for anything they knew, their amendments had been anticipated by the noble Lord? He hoped the noble Lord would consent to postpone it till a later hour in the evening—say ten o'clock, when they would be better prepared to deal with it.

Sir *Robert Peel* begged to call the attention of the noble Lord to another point. The rate to be levied was to be in the nature of a county-rate, and that was the form used in previous Acts of Parliament. The clause provided, that the council should not be empowered to receive an appeal against that rate, but it assumed that there might be an appeal against the rate made by an individual, the words being—"and if any person shall think himself aggrieved by any such rate, it shall be lawful, &c." Now, there was no appeal on the part of an individual against the county-rate; that appeal must be made by parishes. The law required that the rate should be of the nature of a county-rate, and yet it anticipated an appeal against it, while there could be no such appeal, for though there might be an appeal by a parish, there could be none by an individual.

Mr. *S. Lefevre* said, that an individual might appeal on the part of his parish.

Sir *Robert Peel* maintained that the rate being in the nature of a county-rate, an individual could not say that he was himself improperly rated. The law required that the appeal should be by a parish.

Lord John Russell and the Solicitor-General said a few words which were inaudible.

Mr. *Wilks* thought the Clause required correction in more than one particular. In its present state it would be impossible to carry it into practice; he, therefore, pressed on the noble Lord the importance of postponing it till they could better judge of the alterations which had been made in it.

Sir *Robert Peel* had no doubt, if it remained in its present vague and indefinite shape, much inconvenience would arise, and great expense would be incurred in useless litigation. In his opinion it would be highly expedient to separate the payment on account of poor-rate from that payable for borough-rate. Thus, should the whole payment be 2*s*. 6*d*., 1*s*. 6*d*. might be paid on account of the poor, and 1*s*. for the borough; the whole 2*s*. 6*d* ought to be applied for at one and the same time, for he was fully aware of the aggravation of the burthen of payment which separate applications occasioned, but his wish was that the 1*s*. 6*d*. and the 1*s*. might be set down in the account as separate items.

On a subsequent part of the Clause,

Sir *Robert Peel* called the attention of the House to the necessity which there existed to make provision for the payment of the debts of a Corporation. He knew the case of a Corporation which for upwards of 200 years had remained in possession of a certain quantity of freehold property, that freehold was now claimed on behalf of the poor of the parish, and proceedings in Chancery had been instituted for the recovery of it. The only result of those proceedings up to the present time was, that costs had been incurred to the amount of 1,000*l*.; of that 500*l*. had been paid. Now, suppose the suit were to be decided against the Corporation, who was to pay the remaining 500*l*.? It was true that the tolls were not alienable till the debts of the Corporation were paid, but he entreated the House not to agree to an enactment which would have the effect of continuing tolls that might ruin the town. He felt quite assured that the present Bill ought not to be disposed of until some provision were made for paying the debts of a Corporation. The matter ought not now to be passed over, but some specific and distinct mode should be provided by borough rate or otherwise for paying those debts.

Mr. *Harvey* said, that if the suit to which the right hon. Baronet alluded were decided against the Corporation, they would cease to be possessors of property which they ought long since to have given up: the Bill would put them in no worse situation than they would have been in if such Bill had never existed. As to the costs, he apprehended that in 99 cases out of 100 the Corporation would not have to pay costs if the suits were decided against them.

Sir *William Follett* begged to call the attention of the noble Lord (Russell) to what he deemed to be a very important defect in this Clause. Much had been said about the power claimed by the existing Corporations to alienate their property; but the effect of this Clause would be to empower the new Corporations to alienate the whole of the corporate property. The Clause stated that the Corporations should pay off all existing debts, before they applied any of the corporate property to Municipal purposes. This would compel the new Corporations, immediately on assuming their functions, to impose a rate on the burgesses, which would not fail to excite considerable discontent. He hoped the noble Lord would take this point into consideration. Again he would ask the noble Lord what he intended to do with respect not to the mere bond debtor, but to the mortgagees and other real securities held by persons from the Corporation? If any power were given to the new Corporations to dispose of the corporate property, it should only be with a view to enable them to pay off mortgages and other real incumbrances, and not an absolute power to sell the property without reference to those special obligations. He would suggest, however, that it should not be compulsory either on the Corporation to redeem, or on the creditors to call in their money on mortgage of corporate property; but that the Bill should leave it as a matter of private arrangement between the parties.

Lord *John Russell* said, that as he had read the Clause, the new corporate bodies would certainly be at liberty to apply the money derived from the corporate property from time to time as they thought fit. He perfectly agreed with the hon. and learned Gentleman, that the rents and profits of the corporate property should be liable to the debts of the Corporation; but that the corporate body should not be obliged to proceed immediately to pay off their debts altogether. He did not think the Corporation should have the power of alienating the corporate property contrary to the purposes to which it had been previously made legally liable, but all necessary powers for the general purposes of the town ought to be granted to them. The Clause undoubtedly deserved to be well considered; and if on the Report being brought up he should find it necessary to adopt any of the Amendments suggested, he would readily do so.

Mr. *Hughes Hughes* said, that this Clause embraced so many distinct and important topics, that it was utterly hopeless to attempt to accomplish all the objects which it sought to obtain by one Clause. Indeed, there was in the Clause sufficient matter to constitute a Bill by itself, and he hoped the noble Lord would withdraw the Clause, and introduce a distinct measure in relation to the several subjects contained in it.

Lord *John Russell* could not quite accede to the suggestion of the hon. Gentleman. He thought it was a Clause that properly belonged to the present Bill; but after the discussion that had taken place, and considering that there were several points deserving consideration, he did not know whether it would not be better to divide the Clause into two Clauses on bringing up the Report, or on the recommittal of the Bill.

The Clause, as amended, to stand part of the Bill.

On Clause 96 being put,

Sir *John Wrottesley* stated, that as the Clause stood, the counties would be reimbursed for the expenses of prosecuting at the assizes offences committed in corporate towns. He thought that the borough funds should also be liable for a payment of a portion of the salaries of the officers of the assize courts. He therefore proposed, as an Amendment, that after the word "witnesses," the words "together with a proportion of the salaries of the officers of the gaol, and the costs for repairing and enlarging it," should be inserted.

Mr. *Bonham Carter* observed, that there would be quarter sessions in most of the corporate towns, at which the greater portion of the offences committed in them would be tried, and of course the expense of them would fall wholly on these towns. The number of cases sent to the assizes would be very small, and the expense so trifling that it would not be worth while to encumber the Bill with this Amendment.

Amendment withdrawn, and Clause agreed to.

On the 98th Clause being read, enacting, that borough courts of record should be holden as heretofore, but in certain cases with extended jurisdiction, the Recorder, or in his absence, or where there was no Recorder, the Mayor to be sole judge; the court to have jurisdiction in actions of assumpsit, covenant, and debt, whether the debt be by specialty or on simple contract, and all actions of trover for taking goods and chattels, provided the sum or damage sought to be recovered, did not exceed 20*l.*; and also all actions of ejectment between landlord and tenant, wherein the annual rent of the premises of which possession was sought to be recovered did not exceed 20*l.*; the judge of such court empowered to make rules for the practice of the court, but no such rules to have force until they had been allowed and confirmed by three or more judges of the superior courts of common law at Westminster Hall, was then read.

Mr. *Charles Buller* expressed his surprise to find that the Clause established a bad system of Local Courts. Not only was a non-resident Recorder maintained in spite of the objections which now existed to that practice, prisoners being often confined in gaol for three months waiting for trial, but an incompetent Judge was provided. The Clause made no provision for the residence of the Recorder, and enacted that in his absence the Mayor should preside in the court. The Mayor by previous Clauses was to have the burgess roll under his care, to act as a justice of the peace, to be the Returning Officer at elections, to be at the head of the Watch Committee, to be Chairman of the Council, and now, by this Clause, he was to act as Judge of a Court of Record. The Clause revived the Courts of Record, together with their defective progress, and their election of jurors from a small circuit; besides which, the proceedings were to be absolutely final, and not to be carried by appeal to the courts above. Out of 150 boroughs there were only twenty-two in which these courts had not fallen into disuse, and in those boroughs the jurisdiction was, as appeared by the Report of the Commissioners, matter of just and bitter complaint. He was a friend to the establishment of a well-digested and effective system of local jurisdiction; but in this revival of ancient Courts of Record, with their faulty practice, he could recognise no one principle of public utility. The present Clause would leave to the boroughs all the evils that attended small courts. If good local courts could not be established—and the present Clause would not do so—it would be far better not to have recourse to a vicious experiment. The Report of the Commissioners stated, that the Local Court of Coventry was nothing more than a horrible instance of oppression exercised over others. He hoped that it was not now too late to ask Government to reconsider this portion of the Bill. He wished that all the Clauses relating to this point could be omitted altogether, as they would, if carried into effect, produce considerable mischief.

Mr. *Blackburne* said, that his hon. and learned Friend was quite mistaken as to the objects of this Clause. There was nothing in it that would establish any court that did not exist before. All that it would do was, that where there were Local Courts already established, it would place them under better control, and make them more efficient than they were at present.

The *Attorney-General* considered that it was better that those Local Courts should be preserved than be entirely extinguished; and, if so, power ought to be given to the Mayor or Recorder to try particular actions, as that would render those courts more extensive and efficient.

The Clause was agreed to.

Lord *John Russell* proposed the insertion of a Clause in the place of the 30th Clause, which had been postponed, to the effect that in all cases where the population of a borough exceeded 12,000, his Majesty should be empowered to divide it into two wards, for the purpose of electing Town Councillors, and where the population exceeded 24,000, then into as many wards as his Majesty should think fit.

Sir *Robert Peel* said, that as there might be as many burgesses in a borough with a population of 10,000 as in one where the number of inhabitants amounted to 12,000, this restriction of the exercise of the power intended to be invested in the Crown was unwise as it was, in his apprehension, unnecessary. It might also so happen that in boroughs where the population exceeded 18,000, more than two wards would be necessary, and therefore it was that if they were to place such a power in the hands of the Crown, it should be so placed as to enable the Crown to exercise a proper discretion. Many boroughs, with a less population than 10,000, now actually conducted their business by means of wards, and he might mention Ludlow as one; and, for his part, he should wish to see the privileges of those boroughs preserved to them wherever the system had been found to work well. He thought, however, that the power of division was one which ought to rest with the Parliament rather than with the Crown; but still, as the intention of the noble Lord's Bill was to confer it upon the Crown, he certainly should be sorry to see it limited, as this Clause proposed. There might be double the number of voters in one borough that there was in another; and surely if this point was to be determined by the Crown, it was no more than fair that the Crown should be left something like the exercise of a discretion with respect to the division into wards. But the noble Lord's Clause laid down nothing like a principle. It did not appear whether the divisions were to be effected by a reference to the number of burgesses, by the number of inhabitants considered in connexion with the payment of rates and taxes, or by the gross number of the population of men, women, and children, of the borough; and if no rule were necessary to be prescribed to the Crown in this respect, surely no rule should be laid down as to the number of wards into which a borough should be divided.

Lord *John Russell* defended the Clause, and contended that it was an object of desire that in all boroughs where the population was under 12,000, there should be only one election for the whole of the Officers of the Corporation. Experience, he submitted, had proved that in small boroughs the ward system was anything but desirable.

Mr. *Grote* was glad to find that the noble Lord did not mean to make any concession to the right hon. Baronet opposite, as he (Mr. Grote) considered the Clause which was now proposed would be a very great improvement of the Bill. It might, however, be well to establish some minimum in reference to the payment of rates and taxes to regulate the division of a borough into wards.

Sir *Robert Peel* thought that establishing a minimum of rate payers would be a very good principle to go upon, and such a test, he must say, would be obviously much better than if they were to be guided solely by the total number of men, women, and children. He was surprised, he must confess, to hear the hon. Gentleman, the Member for the City of London, condemning a system which prevailed in that City, which was held up in the Report of the Commissioners as a perfect model of a Corporation.

Mr. *Grote* had never lauded the Corporation of London further than to say, that he approved of the annual election of the Members of the Common Council.

Mr. *Blackburne* contended, that the Report of the Corporation Commissioners spoke in praise only of the Common Council of the City of London.

Mr. *Brotherton* argued that some principle ought to be adopted to guide the division, and he thought no principle could be better than that of taxation connected with assessment to the Poor-rates. He should wish a power to be given to remodel the new Corporations at the end of fourteen or twenty-one years, if alteration should then be found requisite.

Sir *Robert Peel* said, that he wished to justify the reference which he had made to the Report of the Corporation Commissioners, and to show that he was quite warranted when he said that they approved of the practice of the City of London. The right hon. Baronet read a passage from the Report, which bore out the assertion, that the Corporation of the City of London was spoken of generally by the Commissioners with the utmost praise.

Lord *Sandon* asked whether the principle on which this Clause was founded would not affect the number of Councillors given to the different boroughs in the schedule to this Bill. In some of these boroughs there would be too many, and in others too few Councillors, if the boroughs were to be divided into wards.

Lord *John Russell* admitted that the principle of this Clause would, to a certain extent, affect the schedules; and, therefore, he should not propose the schedules to the consideration of the Committee that evening.

Mr. *O'Connell* thought that they ought to take the number of burgesses, not the amount of the population, as the test whereby to judge of the propriety of dividing boroughs into wards. He thought that there should be no division into wards, unless in boroughs where there were more than 800 voters on the burgess roll. Less than that number would create a number of small unsavoury rotten boroughs, and more than that number would be sufficient to insure a proper degree of popular vigilance and control over the conduct of the Council. He hoped that a Clause to this effect would be introduced into the Bill.

The Clause was agreed to.

Lord *John Russell* said, that the adoption of this last Clause with respect to wards rendered it necessary that some new arrangement should be made in the schedules; therefore, he proposed, that they should reserve the consideration of the whole of the schedules till to-morrow. He should now move that the Chairman report progress; and he hoped that to-morrow, at five o'clock, they would be able to go on with the schedules. When the debate on the schedules had closed, which he supposed would be after a day or two, he should move that the Bill be recommitted *pro formâ,* to enable hon. Gentlemen to bring up their Clauses. He hoped that this arrangement would afford them sufficient time. He should then move that the Bill be printed, and he proposed that if they were able to do so, the Report should be taken into further consideration on Monday next. He should certainly move the further consideration of the Report before the Motion relating to the Irish Church, which stood for the same day, was brought on.

Mr. *Lennard* begged to call the attention of Lord John Russell to a defect in Clause 10. By that clause it was professed to preserve the rights of all persons entitled to their freedom now in existence. But this was not done perfectly. One of the most valued rights of the daughters of the freemen of Maldon was that of conferring the freedom of the borough on their husbands. But this Clause confined this privilege to those only who were married previously to the 5th of June last. He contended that the rights of all the daughters now in existence of freemen should be preserved; and he gave notice that he should move an amendment to this effect, unless the noble Lord adopted his suggestion.

House resumed.—Committee to sit again.

LINEN TRADE (IRELAND) BILL.] On the Motion that the House resolve itself into Committee on this Bill,

Mr. *Hume* moved, that the Bill be read a second time that day three months. This Bill was founded upon principles opposed to all those on which the manufactures of this country were founded. The more free the manufactures were left from such restrictions and regulations as those contained in this Bill, the better for the manufacturers and those whom they employed.

Colonel *Connolly* was surprised that the hon. Member for Middlesex should oppose the Bill in the face of those who had had much experience of the beneficial working of a similar measure. He would support the Bill, on the ground that the regulations embraced in it were required.

Lord *Morpeth* said that though the provisions of the Bill might not in strict theory be all perfectly justifiable, yet as it had received the general assent of both manufacturers and operatives in Ireland, he would give it his support.

Mr. *Warburton* was sorry that the noble Lord supported a Bill of this kind. Let him look at the marginal notes and see the yard-and-sevenths sort of legislation of which the Bill consisted, and he must surely be ashamed of supporting such minute and ridiculous legislation.

Colonel *Perceval* said, Mr. Hume and his Friends took an entirely false view of the case. They did not understand the linen trade, and were incompetent to pronounce upon it. If the Bill passed, any one might go to the market and buy his commodity without the risk of being cheated.

Mr. *Emerson Tennent* said the proposition was merely to revive for three years longer a Bill passed three years ago, and which was about to expire. The Bill did not interfere between the manufacturer and the weaver. It was a protection to them and the buyer. If there were not some certificate of the width of the linen there might be fraud. The Bill merely referred to the article exposed to sale in open market. The experience of those engaged in the trade was of higher authority for the Bill than the fanciful theories of Gentlemen opposite against it.

Sir *Robert Bateson,* as a representative of a large section of the linen manufacturers and weavers of the north, would say that they were all unanimous in favour of the Bill. Public meetings had been held in all parts of Ulster on the subject, and not one voice was raised against it, but, on the contrary, numerous petitions were presented in its favour. That surely was strong evidence of its utility. The trade was prospering under the Bill—it was almost the staple trade of the country—and he hoped that the good sense and justice of Parliament would not now destroy it, in deference to the quack doctrines of modern philosophers.

Mr. *Grote* certainly could not believe that the sort of legislation which had been found so injurious to England and Scotland, could be beneficial to Ireland.

Mr. *Hume* thought it but justice to Ireland to place her upon the same footing as

England and Scotland, and allow her none of those protections and restrictions. They were only injurious to the trade they were meant to benefit. But if Irish Members chose to wear halters round their own necks—if they chose to go to the—Well, he would just only say, let them go on their own way, and they would be sorry for it.

The House divided on the Amendment: Ayes 26; Noes 124; Majority 98.

### *List of the* Ayes.

Aglionby, H. A.
Attwood, Thomas
Barry, G. S.
Baldwin, Dr.
Blamire, W.
Bowring, Dr.
Brownrigg, T. S.
Buller Charles
Callaghan, D.
Chapman, M. L.
Chalmers, P.
Elphinstone, H.
Ferguson, Sir R. C.
Grote, George
Hutt, W.
Marsland, Henry
Ponsonby, Hon. J.
Power, James
Scholefield, J.
Speirs, A. G.
Thornely, Thomas
Tooke, W.
Thompson, Colonel
Turner, William
Villiers, C.
Wallace, Robert

TELLERS.

Hume, Joseph
Warburton, Henry

House in Committee on the Bill.

Mr. *Hume* expressed his deep regret that his Majesty's Government should leave all the principles of free trade unsupported on the present occasion.

Mr. *Callaghan* was astonished that Ministers should renew so objectionable a system for three years. It was a Bill of pains and penalties for the linen manufacturers of Ireland. No case whatever had been made out for the measure.

Sir *Robert Peel* was disposed to defer to the opinion of the majority of the House on the subject. It was inexpedient to force even right principles on those who were engaged in the manufacture in question. If it could be proved to him that the measure would permanently promote that manufacture, the benefit to morality which must then ensue would leave him without hesitation on the subject. But he confessed he had some doubts respecting it, and could not clearly see that that must be good for Ireland which was not considered good for other countries. In his opinion a committee ought to be appointed in the course of the next session to investigate the subject. In the mean while, as the time for which the Bill was to be renewed was only three years, he thought it would be better not to force upon the manufacturers principles which they were not disposed to approve of.

Lord *Morpeth* said that Ministers rested their justification on their having been assured that if they refused to renew the Act for a limited period, they would inflict a serious injury on the present flourishing state of the manufacture in question.

The Bill went through the Committee, and the House resumed.

Aberdeen Universities.] Mr. *Bannerman* in rising to move the second reading of the Aberdeen Universities' Bill, said, that it would be necessary for him to state a few of the circumstances which had led to the framing of this measure. It was a Bill of the utmost importance, which aimed at affording facilities for the advancement of learning in Scotland, by the consolidation of the two Universities of Aberdeen. At present both these Universities were individually inefficient to the purpose for which they were designed; each conferred degrees, without having the means of testing the fitness of the candidates, while there were two sets of professors, who, under the present system, were unable to perform, properly, the duties of one college. It might be supposed that he was introducing some new scheme; but the union of the Universities had been attempted in—1755, 1766, and 1786. In the former of the three years he had referred to, an attempt was made to unite the two Universities, which failed because individual interests were defended to the exclusion of views of general utility. In 1766 a similar attempt was made, which was ineffectual. In 1786, the under professors of both Colleges attempted to bring about a union. They met, and it was proposed, by a majority of the professors, that a petition should be presented, praying for a royal visit for that purpose; but the minority had interest sufficient to defeat the scheme. His way, however, had been made clear by the right hon. Baronet, the Member for Tamworth, who, in 1826, when Secretary of State, advised his Majesty to appoint a Commission to inquire into the subject,—an act on his part for which those interested in the prosperity of the Universities were most grateful. At the same time he must say, that when the Hon. Member for Middlesex endeavoured to urge the Government to do something towards the furtherance of the object he had in view, with reference to these same institutions, that effort, on his part, unfortunately proved unsuccessful. The act of the Right Honourable Baronet, however, to which he had referred, had been his chief inducement to bring forward this measure. He moved that the Bill be read a second time.

Dr. *Bowring* did not rise to oppose the Motion, but to request that the hon. Gentleman would give time for its full consideration.

Captain *Gordon* also said, that he did not object to the second reading of the Bill, but that he hoped that ample time would be allowed for its consideration.

Sir *Robert Peel* declared himself friendly to the principle of the Bill, but joined the two Hon. Members who had preceded him in hoping that time would be afforded for its consideration. He trusted that the hon. Member would endeavour to obtain his object with the good will of all the parties concerned. It is a saying in Scotland, that "Aberdeen, like England, had her two Universities." He should be glad to remove this distinction; but he was decidedly of opinion that instead of risking an angry discussion in the present Session, the hon. Member for Aberdeen had better postpone the measure.

Mr. *Hume* concurred in the wish for further time; for he was persuaded the more the proposition was examined the more distinctly would its importance and value be made apparent. It would be much better that Aberdeen should have one complete University, than that it should remain divided as at present.

Mr. *Warburton* hoped that the evidence taken before the Commission would be reprinted.

Bill read a second time.

## HOUSE OF LORDS,

*Tuesday, July* 7, 1835.

Minutes.] Petitions presented. By Lord Brougham, from Manchester, against Stamp Duties on Newspapers.—By the Duke of Richmond, from the Magistrates of Warwick, Complaining of the Expense of Prosecutions.—By the Earl of Kinnoul, from Kincardine and Auchtergavan, for Protection to the Established Church (Scotland).—By the Duke of Newcastle, from Boroughbridge, for Protection to the Protestant Church (Ireland).

## HOUSE OF COMMONS,

*Tuesday, July* 7, 1835.

Minutes.] Bills. Read a first time:—Reform of Parliament Act Amendment (Scotland).—Read a second time:—Contempt in Equity (Ireland); Lunatic Act Continuance.—Read a third time:—Soap Duties' Drawback.

Petitions presented. By Captain Curteis, from Guilford, Rye, and other Places, for the Commutation of Tithes.—By an Hon. Member, from Lachford, in Support of the Established Church (Ireland).—By Sir Eardley Wilmot, from Warwick, for the more Speedy Trial of Persons charged with Small Felonies.—By Mr. Hume, from Cupar, against the Appointment of Colonel Lindsay, to the Fife Militia.—By Sir Eardley Wilmot, and Mr. Bingham Baring, from several Places,—against parts of the Municipal Corporations' Bill.—By Mr. Grote, from Oxford, in favour of the Municipal Corporations' Bill.—By Mr. Hume, from Brentford Political Union, in favour of the Ballot.—By Mr. Hume and Captain Curteis, from various Places, for the Repeal of the Duties on Newspapers.—By Mr. Hume, from the Stonehaven Society, for the Extension of Civil Liberty.—By Mr. Bonham Carter, from Portsea, for a less Expensive Mode of Ejecting Tenants; from Fareham, for the Repeal of the Additional Duties on Spirits.—By Mr. Sharman Crawford, from Mr. Ross, for the Introduction of Poor-laws into Ireland; and from New Ross, for the Suppression of Orange Societies.

County Coroners.] On the Motion of Mr. Cripps, the House resolved into a Committee on the County Coroners' Bill.

On the 6th Clause,

Mr. *Curteis* objected to it on two grounds. In the first place, because it proposed to pay the Coroners out of the County-rates, and in the next place, because he considered that the sum proposed to be paid for mileage was too large. It was for these reasons that the former Bill was thrown out by the House of Lords.

Mr. *Cripps* wished to correct the hon. Member when he stated, that the Bill was thrown out by the House of Lords in consequence of the payment to the Coroners. Now this was not the case. The fact was, that the House of Lords passed this Clause, but the Bill was subsequently thrown out by their Lordships, as every body must recollect, in consequence of objections which their Lordships entertained to allowing the Coroners' Courts to be open to the public. As to the amount charged for mileage in this Bill, it would be recollected that the Committee had divided upon this part of the Clause last year, and decided by a considerable majority that the amount charged was very reasonable.

Sir *George Strickland* believed that Coroners were allowed 9*d.* each way by the Act of George 2nd; and although the Court of King's Bench had decided that they were only entitled to 9*d.* per mile one way, they continued to receive 9*d.* per mile each way. The object of the present Bill was merely to secure that allowance to them. When it was recollected that they were only allowed 1*l.* for every inquest, and that they were obliged to issue summonses, and go to a good deal of incidental expense, he thought the House would not consider 18*d.* a mile too much.

Mr. *Wilson Patten* regretted that some provisions were not introduced for dividing the counties, as in some cases there were districts twenty miles in extent, and containing a population of several thousand inhabitants, without a Coroner.

Clause agreed to.

On Clause eight regulating the mode of election,

Mr. *Cripps* observed, that he was quite aware that there were great objections to this Clause on the ground of its being the means of depriving a number of persons of their votes for the office of Coroner. In supporting this Clause, he did not wish it to be understood that he intended to oppose himself to the wishes of the House.

Mr. *Jervis* said, that although he admired the principle of the Bill, he would sooner abandon it altogether than have the present Clause inserted in it. It would altogether abrogate the common law right of voting for Coroner, and substitute the Parliamentary right for it; but the hon. Member violated the common law right by substituting the Parliamentary ne, and he violated the Parliamentary one by allowing Peers to vote. The Clause would most seriously alter the law, without the slightest necessity for the alteration; or without it having been shown that any difficulty had been found from the exercise of the law as it stood. He would vote against the Clause.

Sir *John Wrottesley* trusted the hon. Gentleman would persevere in the Clause, which, in his opinion, was one of the best in the Bill.

Sir *Matthew White Ridley* thought, that the hon. Member was acting upon a wrong principle in bringing forward such a Clause as this, tending to take away the rights of the lower classes. The expenses of Coroners were very enormous; and yet, if the question were put to any Coroner throughout England, he would say he was ill paid. Still, however, men were to be found who, for the sake of distinction, or influence, or progress in their respective professions, were ready enough to become candidates; and in the choice of men to fill such office, why should any be excluded from voting, merely because he possessed a smaller amount of property than another man?

Mr. *Warburton* said, if the hon Member intended to propose any Amendment upon this Clause, he should do so at once. He was decidedly opposed to the limitation of the election to eight hours, because it would have the effect of making the struggle more violent between the parties, whose object would then be to try who could first get possession of the polling place, and bring up the greatest numbers on their own side to keep possession, to the exclusion of the other party, and, therefore, nothing could be apprehended from such a regulation but the most disorderly and tumultuous proceedings.

Mr. *Hardy* moved as an Amendment, that every election of Coroner shall be by a majority of persons "resident" in the district at the time of the election, who shall be freeholders resident within the district, and also of all such persons resident within the said district who shall be possessed of an estate of land or tenements that shall entitle them to vote for Knights of the Shire, under the Reform Bill. He saw no objection to this principle.

Major *Beauclerk* said, that he had voted for the Clause (in the Corporation Bill) for taking away the rights of freemen. He certainly had given that vote with much regret, but he was yet to learn that the vote was a wrong one. He voted upon the principle that a strong case had been made against the freemen; but he would not say that those who had come to an opposite opinion were not in the right. To the present Amendment he would give his warm support, and he hoped they would go back to the original principle of giving to every freeholder a right to vote.

Sir *George Strickland* said, that he was inclined to extend the franchise as widely as possible. He thought that the Amendment of the hon. Member for Bridport was very valuable. Who were the persons most interested in the election of Coroners? The poorest men in the county.

Sir *John Wrottesley* did not object to giving the freeholders the right to vote for Coroners; but if the country was to be at the expense and trouble of a registry, it was surely most desirable to make it available for the purposes of this Bill; it was also desirable that the poll should take place in one day.

Mr. *Cripps* had some difficulty in knowing how to act in regard to the Clause. If the House thought that the Amendment would take away the difficulty, he would not oppose it. There was a difficulty in getting rid of those voters who had no right to vote at all. He agreed that, if possible, it was desirable to prevent all mob influence.

Mr. *Warburton* said, that he was glad to find that the hon. Member by whom the Bill had been introduced had himself seen the difficulty of the case. The object of the Committee should be to attend to the rights of the voters, and at the same time to limit the number of days for polling. If limited to one day, he feared that tumult alone would carry the election. He believed the time was gone by when he should have proposed in the third Clause that the voting should take place in parishes, because if they wished to prevent tumult, they should subdivide the polling places. He would move, on the bringing up of the Report, that the Churchwardens do take the votes in the several parishes which would tend very much to diminish the expense of election.

Mr. *Phillip Howard* thought the Coroners would be much less independent, if the voting took place in parishes. It would throw the election into the hands of large proprietors, and totally destroy all freedom of election.

Mr. *Cripps*, previously to the Question being put, wished to state to the Committee if they objected to the original Clause, he had drawn up another, which he thought would obviate the difficulty—that Clause was to the effect, that all persons duly qualified to vote should have been in actual possession of lands and tenements in respect of which they were qualified, or should have been in possession of the rents and profits for six months previous to the election.

Mr. *Warburton* proposed to omit the provision which recognised the right of Peers to vote.

Mr. *Baines* said, he could see many reasons why a Peer should not vote for a Member of Parliament, but none to prevent him from voting for a Coroner.

Mr. *Warburton* said, if they had now the right, why give it them by the Bill?

Clause eight, as amended, agreed to.

On Clause eleven, which provides that Coroners' Inquests be an open Court, having been put, much discussion arose.

Mr. *Warburton* observed, that this Clause had been introduced in consequence of a Resolution adopted by the House two Sessions ago. There was nothing in this Clause which he objected to, until they came towards the close of it. Power was there given to the Crown "to order all persons to retire from the said Court, when, in the judgment of the said Coroner, the ends of public justice require the exclusion of such persons from the said Court." This power was subject to the approbation of the Lord Chief Justice of the King's Bench, or the Secretary for the Home Department; but this restriction did not appear to him to be sufficient. It appeared that very frequently in those cases, when the Court ought to be open, endeavours were made to exclude the public. He would not allude to any other instances than those of Manchester at the time of the unfortunate destruction of life there, and the late affair at Wolverhampton; for considering this investigation, though there was no loss of life, it was very much in the nature of a Coroner's Inquest. It was clearly a case of great excitation on the part of the people. The troops were called out, and there was contradictory evidence; and in order to quiet the public mind, it was very important that the Court should be open during the progress of investigation. Yet the individual deputed to take the examination, if it had been left to his judgment, would have excluded the public, and the noble Lord, the Secretary of State for the Home Department, was willing to confirm the decision of the officer so deputed, unless that House had interfered and induced the noble Lord to throw the Court open. The judgment of the officer himself, or of the Secretary of State for the Home Department, was not, therefore, sufficient, and he was desirous to limit the exclusion of the public to particular cases, in which the ends of justice would be defeated, if the public were not excluded. He would, therefore, propose as an Amendment, that after the words "public justice," the following words be inserted—"where the ends of public justice might be defeated by the escape of an accused party, or of a material witness, in case the Court was allowed to be open."

Mr. *Poulter* suggested, that after the words "in the judgment of the Coroner," the words, "and the Jury," should be introduced, as it would be important to have their approbation in case of the public being excluded.

Mr. *Cripps* said, that he could not consent to the Amendment of the hon. Member for Bridport. The Committee must be aware that the House of Commons was in favour of an open Court, and the other House in favour of a close Court; and in consequence of this difficulty the learned Attorney-General had framed the Clause as it now stood, and which had afterwards received the sanction of the noble Lord, then Lord Chancellor. Both these learned Gentlemen had said, that there could be no objection to this Clause; and, as it had received their sanction, he would not presume to alter it.

Mr. *Maclean* objected to the introduction of the words "and the Jury," as it might give rise to unseemly collisions between the Coroner and the Jury. The Coroner was the presiding officer, and to his decision he should be willing to leave the matter.

Sir *S. Whalley* thought that it would give the public additional protection if the approbation of the Jury were necessary before turning it into a close Court. He thought the Amendment would be satisfactory to the House.

Mr. *Wilson Patten* thought that Juries who were casually summoned, and knew nothing about the case, would be very incompetent persons to decide upon the impropriety or fitness of excluding the public.

Mr. *Maclean* asked the hon. Member for Shaftesbury how he meant to manage, in case there was a difference of opinion between the Coroner and the Jury? The Coroner might wish to close the Court, and the Jury might wish to have it open?

Mr. *Hardy* said, that there was much of plausibility in an open Court, but he thought that there was a great similarity between a Coroner's Jury and that of the Grand Inquest. They did not sit for the purpose of punishment, but of inquiry, and pending that inquiry no person was so fit a judge as the Coroner of whether the public should be excluded or not. All the mischief which they wished to avoid might be done if the Coroner were obliged publicly to state to the Jury his reasons for wishing to exclude the public, and therefore he was willing to leave the matter to the discretion of the Coroner. His acts would always take place in the presence of twelve witnesses, who would be afterwards enabled to give their opinions to the public (as there was nothing to prevent their doing so), in condemnation of the conduct of the Coroner, if they thought he had improperly excluded the public. He had known instances where criminals had escaped for the want of the inquiry being kept secret. He remembered, not long ago, a case of a most cruel murder, where the person who had actually committed it, was present at the time the inquiry before the Coroner took place, and finding the evidence likely to implicate him, took himself away and never was heard of afterwards. If on that occasion there had been a close Court, the probability was, that the criminal would have been brought to justice. He trusted, therefore, that the hon. Members would withdraw their Amendments.

Mr. *Jervis* thought that all ancient practice showed that the Court of the Coroner ought to be open, reserving to the Coroner the power to dismiss from the place all those who acted against decorum.

Sir *M. W. Ridley* considered that the Coroner's Court ought to be a close Court, as it bore the most strict analogy to the Grand Jury. He was decidedly of opinion that if the Coroner's Court were allowed to be open the ends of justice would be defeated.

Sir *George Strickland* said, as an Englishman, he was of opinion that all Courts of Justice should be open; but he was of opinion that, under peculiar circumstances, the ends of justice might be defeated, if the Coroner had not the power of closing his Court when those circumstances arose. He was satisfied with the Clause as it stood.

Mr. *Poulter* did not mean that the discussion upon whether the Court should be open or not should be public; that would defeat the very ends he had in view.

Mr. *Palmer* did not see that any advantage would arise from inserting the word jurors, because the Coroner, who was usually a professional man, was to be supposed the best judge of whether the Court ought to be open or not.

Mr. *Potter* instanced the case of a man who was executed at the last Assizes for Lancaster under peculiar circumstances. In the absence of his family he administered poison to a child. An Inquest was held before a Coroner who always kept his Court closed, and the verdict was "Accidental Death." The neighbours heard of that, and applied to the Magistrates who instituted an inquiry, and the man was afterwards found guilty.

Mr. *Maclean* observed that the Coroner could not exclude strangers without alleging some reason for so doing to the Jury; and although the hon. Member for Shaftesbury contemplated two cases, that of an individual accused who might hear something that would lead to his escape from justice, yet he thought the statement of such a reason for closing the Court would be very unfair, and have the effect of prejudicing the Jury.

The Committee divided on Mr. Poulter's Amendment. Ayes 44; Noes 37; Majority 7.

## *List of the* AYES.

Aglionby, H.
Alston, R.

Baines, E.
Baldwin, Dr.
Barnard, E. G.
Beauclerk, Major
Berkeley, F. F.
Brotherton, J.
Collier, J.
Curteis, Major
Elphinstone, H.
Ewart, W.
Fielden, J.
Harland, W. C.
Hector, C. J.
Hindley, C.
Howard, P.
Jervis, F. G.
Lennox, Lord G.
Mangles J.
Maule, F.
Moystyn, Hon. E.
O'Connell, J.
O'Connell, M.
Parrott, J.
Pendarves, E. W.
Potter, R.
Ronayne, D.
Rundle, J.
Russell, Lord J.
Sheldon, E. R. C.
Strutt, E.
Strickland, Sir G.
Thornley, T.
Trelawney, Sir W.
Villiers, F.
Wakley, T.
Warburton, H.
Whalley, Sir S.
Williams, W. A.
Wilmot, Sir J.
Wood, Ald.
Wrightson, W. B.
Wrottesley, Sir J.

TELLER.

Poulter, J.

PAIRED OFF.

Divett, E.

The House resumed, Committee to sit again.

CORPORATION OF TAMWORTH.] Sir *Robert Peel* said, he had been desired by the Corporation of Tamworth, the borough which he had the honour to represent, and holding as he did the situation of High-Steward in that Corporation, to present a Petition to the House, praying that the provisions of the Bill which the noble Lord (Lord John Russell) had brought in might not be extended to that Corporation. If it had been charged with any abuse, or if there had been a general desire expressed on behalf of the inhabitants to have a change made in the constitution of that Corporation, he should have felt some hesitation in presenting the petition, but the most honourable testimony having been borne by the Commissioners who conducted the examination into the affairs of that Corporation, with respect to the conduct of the Corporate body, he hoped that the noble Lord would not object to except the town of Tamworth from the provisions of the Bill. The Corporation of the town was not so considerable as to justify the application of the Bill to it; and there were other towns which also sent Representatives to Parliament, having Corporations, to which the Bill did not apply. He begged leave to call the attention of the House to a short extract from the Report of the Commissioners with respect to the Corporation of Tamworth, and then he would appeal with confidence to any man whether it was possible to have received more honourable testimony as to their complete integrity of character and conduct. The right hon. Baronet read the following extract:—"From the description which has been given to the constitution of the borough, it is obvious that the governing body is wholly self-elected. It does not appear, however, that the power thus vested in the body has been in any respect abused. The vacancies which have occurred from time to time have been filled up from among the most respectable inhabitants, without reference to party or to political opinions. Neither does it appear that the Corporation, either as regards the appointment of members of the body Corporate, or the exercise of the elective franchise, have been subject to the operation of any undue local influence. It appears that the Magisterial duties have been discharged with intelligence and integrity. The circumstance of the Town-Clerk, a gentleman of intelligence and professional experience, instead of being merely the legal adviser of the Magistrates, being himself a Magistrate, and thereby sharing the responsibility of the Magisterial acts, appears to have been attended with beneficial effects. The Corporation afforded every facility to this investigation; they gave notice to the inhabitants of the holding of the inquiry, but no complaints were preferred, or matters suggested for investigation. The absence of all complaint, together with the evidence laid before me, leads me to conclude that the objects of Municipal Government have been satisfactorily attained in this borough; that the governing body have been judiciously selected, justice well administered, and the revenues carefully applied to public purposes." He submitted that if every other Corporation had received the same well-merited eulogium, there would have been no need for the introduction of the noble Lord's Bill. This was a matter in which he had no personal interest whatever, but he could not help stating that he did not believe either the cause of good government, or the satisfaction of the inhabitants generally, would be promoted by any change such as the present Bill would introduce in that Corporation, if, unfortunately, it should be applied to it. Had the Corporation been possessed of large revenues, there might have been a reason for change, which would countervail any disinclination on the part of the inhabitants, but he really did not see, as the matter was, that any public object would be answered by it. The Corporation was free from all imaginary imputation. Party feeling undoubtedly had run high, and there had been several severe contests, but they never had allowed themselves to be influenced by electioneering or party considerations. He was afraid the House was now about to introduce a new element into the constitution of the governing body, which was not likely to work so satisfactorily as the noble Lord seemed to anticipate, With respect to the festivities of this Corporation, he might also state, although it had revenues and was not less hospitable than others, yet the members themselves had always paid their own expenses, without at all interfering with the borough funds. Under these circumstances, he did hope that the noble Lord would exclude Tamworth from the operation of the Bill. At the same time, if its provisions were to be extended to towns similarly situated, it was not probable that his Motion for a particular exception in favour of the borough of Tamworth would be attended with success.

Lord *John Russell* was quite ready to admit the remarkable and honourable testimony which had been borne to the Corporation of Tamworth by the Commissioners in their Report; and if it had been general in favour of the Corporations, there would have been no necessity for introducing the present Bill: but as the Measure was general in its nature, while there was no reason to apprehend any evil to result from its introduction in the particular instance alluded to, it would be inconsistent with its leading policy to make individual exceptions.

Tithes and Church (Ireland).] Lord Morpeth brought up and laid on the Table of the House a Bill for the Better Regulation of Ecclesiastical Revenues, and for the Moral and Religious Education of the People of Ireland; which was read a first time, and ordered to be read a second time on Monday next.

Sir *Robert Peel* rose and said: I wish to take this public opportunity of stating the course which I intend to pursue with respect to this Bill. It comprehends some enactments in the general policy of which I concur; it comprehends others to which I feel the most decided objection in point of principle. I concur in the policy of making some new arrangement with respect to the collection of tithe in Ireland; I concur in the policy of substituting for the payment of tithe in kind, and also for composition for tithe, a rent charge, as provided by one part of the noble Lord's Bill. I disagree as to making that rent-charge perpetual. I disagree as to the omission of conversion and redemption of the rent-charge, and its conversion into land. But at the same time, in the present state of Ireland, and with my strong feeling of the policy of making some immediate arrangement in respect to the collection of tithe, I have, notwithstanding the decided objection which I feel to other parts of the Bill, a difficulty in giving a vote on the second reading, the effect of which, if successful, would probably be to preclude that arrangement with respect to the substitution of a rent-charge in lieu of tithe, in the general policy of which I concur; but I have no hesitation in saying that my objection to other parts of the Bill, particularly to the appropriation of Ecclesiastical property to other than Ecclesiastical purposes immediately in connexion with the interests of the Established Church, and my objection to the wholesale suppression of the spiritual charge of so many parishes in Ireland, are so strong that I cannot consent to purchase the benefit of the substitution of a rent-charge for tithe on the conditions which the noble Lord has annexed to the change. The course, therefore, which I mean to pursue is, that on the Motion that the Speaker leave the Chair for the purpose of enabling the House to go into Committee on this Bill, I shall move an instruction to that Committee, that the Bill introduced by the noble Lord be divided into two Bills. I do this for the express purpose of enabling those who may concur in the view I take to support that part of the combined Bill to which I am ready to give my assent; and I do it also for the express and avowed purpose of enabling myself and those with whom I act to reject altogether, if we can, that portion of the Bill from which I entirely disagree. By taking that course, I relieve myself from the difficulties which I must necessarily incur on my rejecting or attempting to reject the Bill as it now stands on its second reading. I should be affected by the opposition of those difficulties on many grounds, and amongst others by being obliged to manifest an apparent disposition to prevent some arrangement being made for that relief to the suffering clergy to which they are justly entitled. If I should succeed in my Motion, and if the instruction to the Committee be agreed to, I shall then have an opportunity of giving my assent to that part of the noble Lord's Bill of which I approve; but if that Motion be objected to, and if it be determined that the principles involved in the Bill shall not be separated, I shall have taken that mode of manifesting my decided objection to an appropriation of Ecclesiastical revenue to other than Ecclesiastical purposes, and to the suppression of the cure of souls in 868 parishes in Ireland. I should, I repeat, thus declare my sentiments as to these two principles, whilst I would give my assent to that by which the conversion of tithe or composition for tithe into a rent-charge was intended to be effected. The noble Lord may easily see, therefore, what course I mean to take on the second reading of the Bill. As I shall have an opportunity of fully explaining my views when I introduce my Motion for an instruction to the Committee, and as I do not wish to trouble the House with a double explanation of them, I shall move no amendments nor occupy at all the attention of the House by addressing them on the second reading. It would, therefore, be for the convenience of the House, and of all the parties concerned, if a fair notice were to be given by the noble Lord of the day on which he proposes the House should resolve itself into Committee for the consideration of the Irish Tithe Bill. I think it, therefore, probable (though I cannot, of course, answer for the other Members on this point) that there will be no lengthened discussion on the second reading, and, therefore, it is desirable that the noble Lord should tomorrow, or, at all events, on an early day in the week, give a public notice of the day on which he means that the House should go into Committee on the Irish Tithe Bill, and the Debate on the important question involved in the Bill should take place.

Lord *John Russell* said, I agree with the right hon. Baronet that some day should be fixed on which this Debate on the Irish Tithe Bill may be brought forward. I do not think, however, that my noble Friend, the Secretary for Ireland, can state tomorrow, or the day after, the precise day on which the discussion is to be taken. My noble Friend will move the second reading of the Irish Tithe Bill on Monday and in the course of the week I mean to propose that the Report on the Corporation Bill be brought up. On that occasion I should think there will be considerable discussion, but I do not anticipate that the third reading of the Bill will occupy much time. Immediately after the Corporation Bill is read a third time, my noble Friend will propose that the House should go into Committee on the Irish Church Bill. I fully agree with the right hon. Baronet that taking the view which he does of this question, and being disposed to deal with it in the manner which he has described, it is perfectly consistent with that view that he should not take the sense of the House on the second reading of the Bill. When the question comes before the House in the shape in which he proposes to introduce it—as an instruction to the Committee—I shall then be prepared to argue that it is absolutely necessary to insert some provision regulating the appropriation of Ecclesiastical revenues in any Bill with respect to tithes, and I shall likewise be disposed to contend that if that appropriation shall not be carried into effect by an Act of Parliament containing similar principles to those on which the measure just introduced by my noble Friend is founded, it is my conviction that so far from such a determination tending to the benefit of the Church of Ireland, it is not likely that any settlement of this great question will ever take place so beneficial to that Church as that which might result from the measure which we have now brought forward.

Sir *Robert Peel:* I don't mean to say a word more, or adduce a single argument in favour of my views on this subject. All I desire is, that it should be understood that it is my distinct object to take the sense of the House on the principles involved in the two parts of the Bill to which I have already alluded.

Mr. *Shaw* said, that in the present position of the question he begged to say a few words to guard his conduct, and that of his friends with whom he acted, from misconstruction. He confessed that at first he had felt a great repugnance to allow even the first reading of the Bill without a division, such was his aversion to the principle which the bill contained, of appropriating Church property to secular purposes, and suppressing 860 parishes in Ireland. But under all the circumstances of the case, he was disposed to think the course proposed by his right hon. Friend (Sir Robert Peel) the best. Considering the difficulties which had been interwoven with the tithe question in Ireland by four years of non-assertion of the law—the dexterous mixture of two distinct questions in the present Bill by the Government, and also having regard to the opinion of the noble Lord (Lord Stanley), expressed on the subject the night before, it would probably be more intelligible to the House and to the country, to move to divide the Bill in order that they might deal with that branch of it which related to the settlement of tithe property, and direct their undivided opposition against that which included the appropriation and suppression clauses. With regard even to the tithe part of the measure he had many objections to such parts as those which made large deductions from the clergy—the want of redemption—the making the clergy pensioners on the Crown, and their property payable to the Crown—and above all, in point of practical justice, opening agreements for composition which had been settled years ago, and when there was no possibility of having access to the evidence upon which they were established. Nevertheless he was ready to consider, and endeavour to improve, that part of the Bill which was for the adjustment of tithe property; while he should give his irreconcileable opposition to the other part, which had reference to the alienation of Church property. On the subject of appropriation he would mention a fact of which he thought the House generally was not aware, and the accurate particulars of which but recently came to his knowledge; it was, that the whole clerical income of the Irish Church, which had been rated by its opponents at 3,000,000*l.* annually, did not exceed, after the noble Lord's deduction, 450,000*l.*, including the Bishops, as well as glebe-lands, ministers' money, every possible charge that could be brought into account; and could it be believed that, in the present impoverished, disturbed, and deserted state of Ireland, such a sum (a sum not much larger than was drawn away from it by a few absentees), should be grudged for the support of twelve resident noblemen, and above two thousand resident educated gentlemen scattered through that country. The whole Church revenues of Ireland, if curates were included, did not afford an average income of 200*l.* a-year to each clergyman. If a better distribution of property were desired, to that he did not object; and at that moment unions were being dissolved under the existing law—pluralities had virtually ceased, as no faculty had been granted since 1829—and residence was every day increasing; but the truth was, the real motive of the promoters of the present Bill—he did not mean the Government, but those whose pressure from behind they could not withstand—was not that the Irish Church was inefficient, but too efficient—not that it did too little, but too much; and he (Mr. Shaw) verily believed, as had been stated in some petitions he had presented the day before, that if the principle of the Bill was carried into operation, the poorer Protestants in the remote districts of Ireland must either apostatize or emigrate—must either forsake their religion or their country. With regard to the Irish clergy, he could only repeat what he had said before—that they were most anxious for a permanent and final settlement of their property, and they were most justly entitled to it, for they had suffered wrong with a meekness and moderation which no other body of men in the community would have shown under similar circumstances. But still they would never purchase temporary relief for themselves at the expense of the permanent interests of the Church, or for any personal advantage make unworthy concessions, detrimental to that body of which they considered themselves but as the trustees. In short they would, notwithstanding all their privations and sufferings, rather have no Tithe Bill, than one containing a provision to misappropriate Ecclesiastical property, and to destroy the Church establishment in nearly half the parishes in Ireland. He trusted that no person would so entirely misunderstand the course which in point of form it was thought best for the friends of the Church to adopt, as to consider that they had in the slightest degree mitigated their opposition to that most destructive principle.

Mr. *Harvey* supposed, that there would be some qualification to the unqualified opposition threatened by the opposite side to the principle of appropriation. He presumed that they did not design to oppose the grant of the million first voted as a loan to the Irish clergy and Irish tithe payers. He had listened for an intimation of any such intention on their part; but he could hear nothing of it in any of the observations which had been made. However, that was not the object of his rising. It was to put a question to the noble Lord respecting certain returns of the defaulters in the matter of tithes, which he had moved for some time since. He wished to know whether these returns had been made, according to the order of the House, or whether they were in progress? It was important that the House should know on whom and to what purpose they had bestowed such a large sum of money, the produce of the toil of the English people, before they proceeded farther in the matter. He apprehended that it would be found the defaulters were not among the poor, whose tithe amounted to a few shillings, but among the rich, whose tithe amounted to several pounds. He believed that these returns would show that the poor tenant was not the defaulter in most instances; but the rich landlord. It was only right and just that the people of England should know the objects of their benevolence.

Lord *Morpeth* said, that he was as anxious as the hon. Member that everything which could be known on the subject should be before the House; and that he should, therefore, make special inquiry on the subject of the question put by him.

The Bill was read a first time.

CORPORATION PROPERTY.] Mr. *Charles Buller* wished to draw the attention of the noble Lord (Lord John Russell) to the circumstance that several Corporations had lately proceeded to dispose of their property with a view to defeat the operation of the Corporation Reform measure.

Mr. *Cayley* had, on a previous occasion, called the noble Lord's attention to the subject just mentioned by the hon. Member for Liskeard, and he wished now to ask his noble Friend if any of the new Clauses would contain provisions with respect to this matter. In corroboration of the disposition of the old Corporations to alienate property, he had that morning received a letter from Yeovil, in Somersetshire, stating that the Corporation had lately advertised the whole of the landed property for sale;—property estimated at 25,000*l.*; a practice they had never been used to, although they had been in the habit of letting out land on long leases. The letter also stated that parties lately returned from Weymouth to Yeovil had brought tidings of the Corporation of that borough having already sold part of the corporate property there. Surely these cases demanded immediate interference: and he hoped the noble Lord would provide a Clause to meet the case, and to render nugatory all bargains of this suspicious character.

Lord *John Russell*: The accounts I have lately received of this nature have been so numerous, that it will be quite necessary to introduce some Clause such as has been suggested by my hon. Friend.

COLONEL LYNDSAY.] Lord *John Russell* said, that as he understood a Petition had been presented to the House in his absence, complaining of the appointment of Lieutenant-Colonel Lyndsay to the command of the Fifeshire Militia, he should beg to say a word on the subject. He was ready, and fully prepared, to justify any recommendation to any appointment made by him at any time. But he thought that before he did so it was quite as well that those who forwarded the petition, as well as the hon. Members who presented and supported it, should be made aware of the law on the subject. The Militia law vested all appointments to the command of regiments in that service in the Lord-lieutenant of the county. The only provision which made that right of appointment not absolute was the necessity of a notification, on his part, to the Secretary of State for the Home Department, stating the fact and describing the individual appointed. If, within the space of fourteen days, the Secretary of State returned no answer, then the appointment was to be considered as final. In his (Lord John Russell's) view of the law the appointment was in the Lord-lieutenant solely—and it was merely for the Minister of the Crown to negative the introduction of any improper person into the command of the Militia. On the ground of unfitness alone, then, he could notify the disapprobation of the Crown. But he did not conceive that for motives purely personal, still less for motives connected with political opposition, the appointment of the Lord-lieutenant should be superseded. Yet these were the only grounds alleged against the appointment of Col. Lyndsay. Acting on that interpretation of the law, he had recommended to his Majesty to sanction the appointment made by the Earl of Rosslyn. He need scarcely assure the House that upon nothing less than very serious grounds was the disapprobation of the Crown to the appointment of the Lord-lieutenant ever signified, and it was never done upon political grounds. Of course there had been no notification made in the case adverse to the appointment of Colonel Lyndsay, and for the reasons he had stated, he felt entitled to deny that in the appointment of Militia Officers the same degree of responsibility attached to the Secretary of State as if he had directly counselled the appointment. He felt it necessary to say these few words in the way of explanation, as there had been a good deal of misrepresentation on the subject.

Sir *Robert Peel* had had the honour of being one of his Majesty's Secretaries of State—Secretary for the Home Department—for many years; and he felt bound to state to the House that during that period he had put the same construction on the Militia Law, as respected the matter of the petition, as had been put on it by the noble Lord opposite. He never should have thought of setting aside the recommendation of Lords-lieutenants of counties to Military Commissions, however contrary those who recommended, or those who were recommended, were to him in political feeling and opinion. He was convinced the noble Lord acted rightly; and he was also convinced that he acted in entire accordance with the spirit of the law. He believed the spirit of the law to be the design of depriving the Crown of the power of negativing the appointments of Lords-lieutenants of counties on the ground of political disagreement alone. With respect to the appointment in question he could only say, that any one who knew the characters of Lord Rosslyn and Colonel Lyndsay would be fully satisfied that the former would not recommend an improper person to such a high situation, and that the latter was as honourable a Gentleman as existed; and, moreover, as well fitted as any one in the kingdom for the office.

The subject dropped.

CORPORATIONS.—(MR. HOGG'S PROTEST.)] Mr. *Lechmere Charlton* observed that as the hon. Member for Huddersfield was now present, the noble Lord would, perhaps, allow him to trespass, upon the attention of the House for a few moments. It was well known that the Report of one of the Commissioners appointed to inquire into the state of the Municipal Corporations had not been laid on the Table of the House. Mr. Hogg, the individual in question, finding that he differed from his brother Commissioners on the subject, sent a Report to the noble Secretary of State, which the noble Lord, however, declaring that it was personal and irrelevant, declined to receive. He had reason to think, that it was neither personal nor irrelevant. On the Report of the Commissioners, the so-named important Municipal Corporations Bill was founded; and yet it appeared that the opinions of two of the Commissioners were not in conformity with those of the other Commissioners. From their statements, it appeared that much of the evidence in favour of the existing Corporations had been kept back. In his opinion, the least that the House could do, before they consented to a measure which was calculated to derange social order, to invade the prerogatives of the Crown, to violate the rights and privileges of———

The *Attorney-General* rose to order. There was no question before the House.

The *Speaker* observed that the question before the House was to read the Order of the Day for going into a Committee on the Municipal Corporations Bill, for the purpose of postponing it. It was not usual on such occasions to raise a discussion on another question; and the effect of the introduction of extraneous matter must be the defeat of those hon. Gentlemen who had notices on the books of the House.

Mr. *Charlton* said, that to remove all objections in point of order, he would conclude by asking if the noble Lord had received Mr. Hogg's protest on the subject of the Corporation Report and if he would lay it on the Table.

Lord *John Russell* answered, that he had received as he had told the House some days ago, a paper from Mr. Hogg, which that Gentleman had first called a report, and had then called a protest. Containing, as it did, only general observations, he did not conceive that it was his duty to receive it, and of course he could not lay it on the Table.

Mr. *Blackburne* observed, that if Mr. Hogg had chosen to send in his Reports with respect to the places which he had been appointed to visit, they would have been published in the Report of the Commissioners. There was no disposition to suppress anything. If he had done that he, would have done what the other Commissioners had done, and what it was his duty as a Commissioner to do. Mr. Hogg had sent nothing whatever but Reports respecting two places, which Reports were published in the Report of the Commissioners. He (Mr. Blackburne) felt himself personally to blame for the appointment of Mr. Hogg as a Commissioner. He had especially recommended him to the noble Lord to whom the formation of the Commission devolved. He was sorry to say that he no longer entertained the opinion of Mr. Hogg, which he entertained at that period; and he could assure the House that that change of opinion was not occasioned by Mr. Hogg's thinking differently from him on this subject. By the terms of the Commission, any three or more of the Commissioners were entitled to make a report to his Majesty on the subject for which the Commission was appointed; but no single Commissioner was entitled to do so. If Mr. Hogg had sent in his Reports to the Commissioners he (Mr. Blackburne) would have taken care that they should have been laid before the Board. As the head Commissioner, he had pressed Mr. Hogg to send in such Reports. He had so pressed Mr. Hogg until the last two months; when circumstances, which he had rather not detail, had induced him to determine that he would have no further communication with that gentleman. He had had no further communication with him rather than renew it he would resign his situation to-morrow.

Mr. *Lechmere Charlton* repeated that he only wished to have the opinions of Mr. Hogg, as well as those of his fellow Commissioners, especially as they totally differed.

Mr. *Blackburne* said, that Mr. Hogg's duty was to have sent in his reports, accompanied with the evidence on which they were founded. He had done so, however, only in two cases. If he chose to send them in they should all be published.

Mr. *Charlton* expressed his satisfaction with the explanation and promise of the hon. Member; and the subject dropped.

New Colony—South Australia.] Mr. *C. Villiers* said, that seeing the hon. Gentleman, the Member for Hull (Mr. Hutt) in his place, he (Mr. Villiers) wished to ask him, as one of the Commissioners appointed by the Crown to carry the Act of Parliament for establishing a new colony in South Australia into execution, whether any, and what steps had been taken with regard to effecting the object of that Commission? He asked this question, at the instance of many persons interested in the formation of this new colony.

Mr. *Hutt* was happy to give the hon. Gentleman such information as it was in his power to do on this interesting subject. As soon as the Commission was issued by the Crown, the gentlemen named in it directed their earnest attention to the object, with a view to carry into effect the provisions of the Act under which, they were appointed. However easy or simple that task might appear, the Commissioners had found it surrounded with considerable difficulties. They had, however, overcome those difficulties, and had printed and circulated widely, a paper, the result of their labours, in which were set forth the rules and regulations by which the new colony of South Australia was to be governed. By these rules and regulations the Commissioners had endeavoured to prevent that dispersion of persons which had been too much the case in former colonies. He was anxious to set the Commissioners right with the public on one other point. This Commission had been described out of doors as being a mere job. He denied this; and to shew that it was no job, he begged to inform the House that the Gentlemen who were now appointed Commissioners to carry the Act into effect, were the identical persons intended to be appointed by the Government of which the right hon. Baronet opposite (Sir Robert Peel) was the head. With respect to the Commissioners themselves, he could only say that they had undertaken a duty considerable responsibility—that of carrying into effect a measure of great public good; and they would endeavour to obtain that reward which they hoped would not be withheld from them—the public approbation.

Mr. *Mackinnon* said, that as his name was connected with the Commission in question, he was desirous of saying one word. He felt extremely anxious to do his duty to the best of his power; but it would be upon a clear and distinct understanding that he would never receive any reward or compensation whatever for any duties that he might perform. It was unnecessary for him to say more than that; generally speaking, he concurred with the hon. Gentleman, the member for Hull, in what he had stated; and that he believed the object they had in view in that part of the world to which the Commission related, would ultimately be attained. How long it might be before South Australia should become such a colony as it was desirable to make it, he could not possibly say; but that it would eventually be successful, he did not hesitate to declare as his decided opinion.

Meeting at Dungannon.] Colonel *Verner* rose, pursuant to notice, to call the attention of the House to the case of Mr. Harpur and others, against whom informations had been sworn, for attending a meeting called by the Lieutenant of the county of Tyrone, at Dungannon, in December last, and for which they had been bound over to take their trial at the next assizes. In bringing forward this subject, the hon. Member contended, that the meeting in question was, if at all a violation of the

Processions' Act, much less so than the procession which attended the present Lord-lieutenant of Ireland, when he made his public entry into Dublin. He had received a Letter on the subject, which, with the permission of the House, he should read, for it put the case in a clear and, as he conceived, an unanswerable point of view:—

> "As Grand Master of Tyrone, I feel called upon, in consequence of the interpretation which Lord Melbourne gave to the debate upon Lord Mulgrave's processional entry into Dublin, to request, on the behalf of Mr. Harpur, one of your constituents, and others, members of the Orange institution, that you will, in your place in parliament, ascertain from the Home Secretary (Lord John Russell, I believe), or from the Attorney-General for Ireland, whether their interpretation of the act agrees with that of the Prime Minister.
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> "This is of no slight importance to us, whose personal liberty, and property, to a certain extent, are involved in the reply. The late administration, though we were known to be amongst its most zealous supporters, felt it to be their duty to institute prosecutions against some of us for a breach of the procession act, in attending the call of the Lord-lieutenant of the county of Tyrone (of which county, as well as of Armagh, Mr. Harpur is a freeholder) to address the King in support of his prerogative. The meeting took place upon no anniversary, and was connected with no political event. This prosecution still hangs over them, and they are bound over to stand their trials at the next assizes. You will perceive how strong our case is. We were regularly convened by a lawful authority, while the Dublin assemblage originated with the processionists themselves, without any legal sanction, unless the letter of the Lord-lieutenant's State Steward (I think he styles himself), stating the hour at which his Excellency would join them, can be reckoned such.
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> "I further beg leave to add, that I witnessed the procession, headed by Lord Mulgrave, into Dublin, which was called a procession of the Trades' Union, but which I assert was one of revolution, for, independent of standards with the harp without the crown, and 'Erin go bragh,' 'Repeal of the Union,' the cap of liberty upon a pole, with the word 'Liberty' placed on it, each member carried a long white rod, with the tri-colour floating from its end—viz. red, white, and green ribbons; and although the streets were lined with military, and the police apparently on the alert, some ruffian was permitted to place the tri-colours in the hand of the statue of King William, in College-green.
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> "As friends and constituents, a slight apology for the trouble we impose upon you would, we know, be accepted; but we feel certain that you will readily undertake this matter for the sake of the public, to whom it is of the utmost importance that it should be distinctly understood to what party and what occasions the law applies; whether an orange or a purple flag is within the act, while a green or a white one is without it? Whether a jury is to be called to investigate the tendency of a Protestant fife, while a priest with his piper behind him, may head a mob unmolested?"

There could be no doubt that if a riot had taken place at the Dublin procession, the parties would have been liable to all the penalties of the statute regarding processions, and he saw no reason why parties engaged in one meeting should be prosecuted, and those in the other allowed to scape with impunity.

The hon. Member was proceeding when the House was counted out.

## HOUSE OF LORDS,

### *Wednesday July* 8, 1835.

MINUTES.] Bill. Read a second time:—Soap Duties' Drawback.

## HOUSE OF COMMONS,

### *Wednesday, July* 8, 1835.

MINUTES.] Bills. Read a first time:—Real Property; Ecclesiastical Courts.—Read a second time:—Music and Dancing Licenses.—Read a third time:—Linen Manufacturers' (Ireland).

Petitions presented. By Captain BERKELEY, from the Burgesses of Gloucester, against Clauses in the Municipal Corporations' Bill.—By Mr. EWART, from Liverpool, for the Vote by Ballot; from Stockport, for placing Retailers of Beer on the same footing as Licensed Victuallers.—By Mr. Alderman Wood, from Gloucester, in favour of the Municipal Corporations' Act. — By Mr. GRAHAM SPEIRS, from the Western Districts of Stirlingshire, for Improving the Mode of taking Polls at Elections.—By Mr. BALDWIN, from the Cork Association, for Reform in Municipal Corporations (Ireland).—By Mr. ROBERT WALLACE, from Greenock, praying that no Alteration be made in the Laws relating to Bonding Warehouses; from the same Place, against Alteration in Timber Duties; and from Fife, against the present System of Farming Post-Horse Duties. By Dr. BOWRING, from Santhorpe, for the Repeal of the Taxes on Knowledge.—By Mr. WILLIAM DUNCOMBE, from the Clergy of Cleveland, for Support for the Established Church.—By Mr. ROBINSON, from Journeymen Bakers of Worcester, against Baking on Sundays.—By Capt PECHELL, from Shoreham, against any Alteration in the Timber Duties.—By Mr. POULETT THOMSON, from the Chamber of Commerce and Manufactures of Manchester, for the Equalization of Coffee Duties.—By Mr. N. FITZSIMON, from the Inhabitants of Clara, Complaining of Distress.—By Mr. FINN, from Mountrath, for Poor-Laws (Ireland).

REFORM—OPINIONS IN SURRY.] Major *Beauclerk* had a Petition to present from Reigate, in favour of Municipal and Church Reform. It was signed by 105 out of the 160 electors who formed the constituency of that town, and by several hundreds of the other inhabitants. The petition expressed the gratitude of the subscribers for the Measure now before Parliament of Municipal Reform, and their hope that it would be suffered to pass unmutilated. The petitioners also intreated that a speedy and searching Reform might be made in the Church of Ireland. Ireland, he must observe, was the only country on the face of the earth which was degraded and insulted by the existence among its people of a Church Establishment, whose tenets were wholly opposed to their own. We had never perpetrated a similar outrage upon any other country; not even upon one of our colonies had we attempted to thrust a religion different from that entertained by the native population. It was true that, in the single case of Canada, such an attempt had been made; but as soon as we found how it would be resisted, the idea was abandoned. No one was more ready than himself to provide for the fitting and respectable support of the Clergy of the Established Church; but he would never consent to the insult and oppression on the Roman Catholic people of Ireland, which was comprehended in compelling them to support an Establishment large enough for the entire population of the country, if it were wholly Protestant. The Irish people would never be satisfied until they were entirely relieved from so odious a burden. It was thus that the proposed Measure of Church Reform would not give satisfaction in Ireland; for nothing would content the Roman Catholic population of that country till they found that their religious feelings were to be no longer insulted by their being compelled to keep up the Protestant Establishment. Harmony and good-will would never be effected among Christians till they were all put upon an equal footing. The sentiments he now expressed pervaded the large portion of the constituency which he had the honour to represent. It was true, indeed, that the petitioners had chosen as their representative, a noble Lord (Eastnor) whose political sentiments wholly differed from those which had just been given utterance to, but they had given that noble Lord the preference, and he (Major Beauclerk) considered very justly, on account of the excellence of his private character. There was no doubt that the feelings of the people of Surrey were, for the most part, strongly in favour of Reform both in the Church of Ireland and in the Church of England. On a former evening the hon. Member for Penryn (Mr. Freshfield) had thought proper to assert, that if he (Major Beauclerk) persisted in his present line of conduct, he would lose his seat at the next election. Now he (Major Beauclerk) had heard from undoubted authorities, that this declaration had given great pain all over the division of the county which he represented. On the occasion alluded to, he had not taken any notice of the hon. Member's assertion, not looking upon it as a personal attack; but he would now assure the hon. Member that he had the worst possible opinion of his prophetic powers. He had not the least apprehension as to the result of the next election whenever it should take place. As to the petition which the hon. Member had presented in favour of the Irish Church, he would again express his confident belief that its sentiments were not those of the very great majority of the people of Surrey; and in corroboration of this belief, he could inform the House that at this moment petitions similar to the one he (Major Beauclerk) had that evening the honour of presenting, were in preparation throughout the country.

Lord *Eastnor* admitted that his political opinions were not consonant with those of many of his constituents. He was not at all surprised at the sentiments contained in this petition, knowing as he did, the means which had for some time past been in operation to create an excitement on these subjects in the borough whence it emanated. He was convinced, too, that many of the petitioners did not know the exact nature of what they had subscribed. The petition expressed its desire for the passing of the Municipal Reform Bill unaltered. Now although he was favourable to the general principle of the measure, he could not consent to the passing of every portion of it in its present state. In reference to the Reform of the Church too, the petitioners went infinitely too far; nor did he believe that they expressed the feeling of that part of the county on the subject. For himself he would say that, ever since he had had a seat in that House, it had been his anxious desire to promote all such measures as tended to give persons differing from himself in religious sentiments, all the advantages which he considered them fairly and justly entitled to, consistent with the maintenance of the Protestant Establishment in all its efficiency. The Measure, however, which was now before the House, appeared to him to have a direct tendency to impair that efficiency; and the petitioners went still further, for what they contemplated was the utter destruction of the Church. He was ready to admit that in the opinion of many persons some alterations in the discipline of the Church would add to its efficiency, and he should always be ready to sanction such alterations as were fairly called for, and which tended to promote that object. And he could not omit the expression of his regret for the retirement of the late Administration, as, had they been suffered to remain in office, there was no doubt but that before the end of this Session a Church Reform Bill would have received the sanction of the Legislature, satisfactory to all parties. He would express his regret that on any point he should differ from his constituents in their political sentiments, but it should ever be his anxious care to do that which his conscience told him was right.

Mr. *Freshfield* had had no intention to hurt the feelings of the hon. and gallant Member for East Surrey, or to misrepresent the political sentiments of his constituents, which he had still the best reason for believing, were for the most part quite adverse to those of the hon. and gallant Member. He still believed that if that hon. Gentleman persevered in his present course, he would at the next election lose that seat which had been mainly secured to him by the Conservatives in preference to the other candidate. The hon. and gallant Member had asserted that the subscribers to the petition which he (Mr. Freshfield) presented the other night, might be respectable, but they were wrong-headed. Now, he (Mr. Freshfield), of his own personal knowledge, could assure the hon. and gallant Member that at any rate the greater part of them were any thing but wrong-headed. So far from he (Mr. Freshfield) having misrepresented the political sentiments of the people of East Surrey, he had received the thanks of several public meetings held there, for having vindicated their political opinions.

Mr. *Denison* said, that he was not present the other evening, or he should have made a few observations on the occasion. On reading the debates, however, in the newspapers of next morning, he had been exceedingly struck by the remarks made by the hon. Member for Penryn; for, having represented Surrey for many years, he was surprised at the sentiments ascribed to the people of the Eastern Division of the county by the hon. Member, which were wholly different from those which in a long experience he had ever found them to be. Under the circumstances he thought it much more likely that the hon. Member was mistaken than either himself or the hon. and gallant Member; and he thought this the more probable, since he could not imagine how the hon. Member for Penryn should have ascertained the feelings of the people of that part of the county, living, as he did, in another division of it, and attending none of its public meetings. With reference to what had been said about the hon. and gallant Member having been returned by the Conservatives of the county, he would only observe, that he had always understood the hon. and gallant Member to have been the representative of the Liberal interest of the county: an interest which was, and ever would be, he trusted, the preponderating one there. As to the result of the next election, he would only wish the hon. Member, on his return to his rotten borough, as cordial a reception as he could guarantee the hon. and gallant Member on the part of the electors of the Eastern Division of Surrey.

Major *Beauclerk*, though priding himself on having been elected as the representative of the Liberal interest in East Surrey, was happy, though surprised, to hear that his success had not been disagreeable to the Conservatives. That the Liberal interest was the stronger one in that county was evident from the fact, that while himself, as candidate on that interest, though coming late to the contest, was returned without the expenditure of any—but the least possible—amount of money, many thousands of pounds were laid out on the opposite side of the question. No doubt there were many Conservatives in Surrey, but the Liberal interest constituted the vast majority.

The Petition laid on the Table.

THE HON. MEMBER FOR ST. IVES.] Mr. *Divett* rose to call the attention of the House to a very extraordinary act on the part of the hon. Member for St. Ives (Mr. Halse.)

Mr. *Hume*: As I understand, the hon. Member alluded to by the hon. Member for Exeter is not present, would it not be better to postpone the Motion until he is in the House?

Mr. *Miles*: I certainly do not think it fair that a Motion in which the hon. Member for St. Ives is personally concerned, should be discussed in his absence.

Mr. *Divett* had seen the hon. Member about twenty minutes ago, in the House, and told him that he meant to bring this subject before the House. The hon. Member for St. Ives then told him, that he would be in the House at five o'clock. Under these circumstances, he thought he was justified in submitting the Motion which he meant to make. He would then at once proceed to read a notice of a Motion, in relation to the Corporation Reform Bill, which had been put on the notice book by the hon. Member for St. Ives. It was as follows:—"That all prisoners in Newgate, and the other gaols in England and Wales, although possessing no other qualification, be, upon the principle of the Bill, entitled indiscriminately to an equal participation in all the franchises, as well magisterial as elective, thereby created; and that, to obviate all uncertainty or doubt of the benevolent intention of the Bill, and the happy tendency thereof, being, in effect, to render all the higher ranks of his Majesty's loyal and respectable subjects subordinate to the lowest, without regard to property or character, a Clause be introduced, in accordance with the same principle, expressly enacting to that effect; and that it may for ever thereafter be well understood, that the whole population in the corporate jurisdictions are, in all other relations of life, placed upon a footing of perfect equality, agreeably to the natural rights of man; and also a Clause to provide a suitable retreat for the gentry residing within these jurisdictions, and who, with a mind and feelings becoming their station, may seek an escape for themselves from the scene of such a revolutionary infliction." He did not then mean to characterize in any way the Motion which he had just read; as he thought that the hon. Member for St. Ives would see the necessity of apologizing to the House for having placed such a notice upon their book. If, however, the hon. Member did not see the expediency of taking that course which was due to the dignity of the House, he (Mr. Divett) would move, in the strongest language in which it was possible to express his meaning, that this notice be expunged.

Mr. *Hume* would second such a motion. He was certainly desirous that the hon. Member to whom it referred should be present before they entered on any proceeding in the matter; but after the explanation which had been given on this point by the hon. Member for Exeter, he did not see any reason why the Motion should be delayed. It had always been understood that no notice should be inserted on the notice book which had not a practical and useful object to answer. He did not think that any hon. Member could say that the Motion of the hon. Member for St. Ives had any such tendency. He was, therefore, desirous that this notice should be struck out; and this, he believed, was all the House could do in the matter.

Mr. *Divett* conceived that such a notice was a gross insult, as well to the House as to the respectable householders intended to be incorporated under the new Municipal Bill. Having given notice to the hon. Member for St. Ives, that he would call the attention of the House to this subject at five o'clock; and as the hon. Member did not choose to make his appearance, he thought he was justified in at once moving, "That a notice having appeared on the books from the hon. Member for St. Ives, which appears to be a gross insult to this House, and to the householders to whom the Corporation Bill is meant to apply, it is the wish of the House that such notice be expunged."

Sir *G. Clerk* doubted very much whether the hon. Member for St. Ives would move a resolution on the Corporation Reform Bill in conformity with the terms of the notice which he had given. He did not mean to express his concurrence in, or give his support to, the Motion of the hon. Member for St. Ives; but he merely wished to observe that when the hon. Member should make the Motion it would be then competent to any other Member to move that the resolution which he might submit be expunged; and he believed that it had not been unusual for hon. Members who entertained a strong opinion on any Measure passing through that House to take the same means as the hon. Member for St. Ives had used of expressing their minds in bold and sometimes not very decorous language. This was a mode of attack to which the late Mr. Sheridan had frequently resorted, and in one instance with reference to the Royal Marriage Act; and he did not see what the hon. Member for Exeter could gain by having his Motion agreed to, because even if the Motion were expunged it would still be in the power of the hon. Member for St. Ives to bring forward his Motion if he should think fit. The notice was only an intimation to the House that it was intended to bring forward such a Motion, and the House, he thought, should not be called on to interfere with that notice.

Mr. *Warburton* said, that, taking for granted that the notice was given as a mode of conveying the opinions of the hon. Member on the subject of the Corporation Bill, it must be considered rather a speech than a notice. It was, at all events, a very inconvenient mode of carrying into effect the supposed intention of the hon. Member for St. Ives, and he would, therefore, support the Motion for expunging the notice.

Mr. *Ruthven* thought it rather premature to expunge the notice without hearing the defence of the hon. Member for St. Ives, if he had any to make.

Mr. *Divett:* If the terms in which the notice is drawn up had been used in the heat of debate, I should be willing to concede to the suggestion of the hon. Member for Dublin; but as it appears to be a notice coolly and deliberately penned, I feel bound to persevere in the Motion which I have made.

Mr. *Hume* said, that he thought that the continuance of such a notice on their books, as that which had been given by the hon. Member for St. Ives, was little creditable to the common sense or the dignity of the House. He hoped that such a notice, which he could not call an insult to the House, because he did not know what was the intention of the hon. Member who placed it on the Journals, would not be any longer continued on the books.

Mr. *Divett* would withdraw his Motion for expunging the notice, if that was the feeling of the House.

Mr. *Hume:* Then I shall move, that the notice given by the hon. Member for St. Ives be discontinued in the votes.

Mr. *Miles* considered that the notice was not worthy of the consideration which seemed to be attached to it by the Motion of the hon. Member for Middlesex.

Colonel *Leith Hay* differed entirely from the hon. Member who spoke last, as to the way in which this Motion should be treated by the House. He did not think that such a notice should be allowed to remain on the books. He could not bring himself to believe that the hon. Member who placed it there had not sense enough to see that such a mode of proceeding was far from being conducive to the maintenance of the dignity of the House. The hon. Member might have considered it a very good joke, but it was certainly one which ought not to have been played within the precincts of that House.

Mr. *Wilks* said, that though the propriety of bringing this question forward might, in the first instance, be questioned, still, as it had been introduced, he thought it should be persevered in, because the withdrawal of it now might be construed into an expression of approval of the proceeding on the part of the hon. Member for St. Ives.

Motion agreed to, and notice expunged.

IRISH POOR-LAWS.] Sir *Richard Musgrave* rose to move the second reading of the Irish Poor-laws' Bill. He was aware of the great difficulty which there was in pressing on a Bill which had not the sanction and support of the Government; and how much more forcible he felt that difficulty when the Administration were adverse or indifferent to it, he thought he need not say. But, considering the condition of the poor of Ireland, he deemed it his duty to have the opinion of the British Legislature on it recorded, and he should, therefore, press the Motion for a second reading of the Bill. There was nothing to deter him from so doing in any argument which he had as yet heard used, and there was nothing which should impede English Members from voting for his measure. Unless any hon. Member should rise in his place, and state that the Reports which, from time to time, had been laid on the Table of the House respecting the manifold and great distress of Ireland, were no proof of its existence—unless it was denied that crowds of starving Irish paupers were annually driven by the direst distress from their own country, and discharged upon this—unless it were contradicted that the poor-rate of England was infinitely increased by the maintenance which was afforded them, or the expenses of their transition back to their own country—or by the support of reduced labourers of this country, unable to compete with the desperate poverty of the Irish labourer—unless all this were done, there was no argument in anything which had been said on the subject against the necessity of a system of Poor-laws for Ireland. As, however, none of these things were denied, none of them contradicted, he felt he was fully justified in the course he had adopted, and in which he was determined to persevere, of bringing the matter before the British Legislature. Every one who lived in Ireland, knew what crowds of wretched paupers were supported by voluntary contributions in that country; and every one who had made any inquiries into the actual condition of the poor was, he was satisfied, aware that nearly as many more pined and perished in the shameful obscurity, which even their wretchedness could not compel them to break through. In the country, the destitution was very great; but it had some alleviation in the hospitality of those only a degree removed from paupers themselves. In the cities and towns it was appalling. Crowded together in the smallest space possible for human beings to live in, amidst filth, and hunger, and disease, they continued to drag on a miserable existence, until some friendly pest, cholera or typhus, or other malignant disorder, swept them off by hundreds. Then the fear of a further extension of the contagion stimulated inquiry; and a faint effort was generally made to relieve the survivors. He had been a member of the Cholera Committee in a city contiguous to his residence in Ireland, and he could safely say, that the greatness of the misery he saw everywhere about him, during an investigation into the proximate causes and prevention of that dreadful disease, was awful. The first duty of the Committee was to provide straw for the wretched beings who dwelt in the hovels; not alone for those who were dead, but for the living also, to lie on. In some of these pestilential dens, there were not more than two or three rooms; and yet every one of these rooms was peopled with as many families, all huddled together on the ground, without bedding and without covering. Famishing and destitute of every necessary of life, the poor Irish pauper, notwithstanding, saw the corn and cattle, produced in such abundance by his country, shipped off for other shores. To aggravate the misery, it appeared that numbers of the peasantry had been ejected from their miserable tenements by their landlords, and cast on the wide world, either to plunder or perish. Humanity should be no longer outraged; some provision should be made by the Legislature, for such a fearful and revolting occurrence. The hon. Member then read an extract from the Report of the Committee of 1823, on Irish Poor-laws, in corroboration of his view, and since that period the condition of the people of that country had undergone no change, except for the worse. It stated that it was impossible for words to convey any idea of the distress which existed in Ireland—that the pauper population of the country, dispossessed of their holdings, were compelled by sheer want to take refuge in towns; that this increased the mass of misery, already too great in these places—and that every description of vice was the consequence of their desperate poverty and hopeless destitution. It also stated, that a vast number of them perished annually from mere want of the necessaries of life. It was naturally to be expected that persons in that desperate state of wretchedness should catch at anything which would either temporarily relieve them or offer a chance to that effect, and accordingly, in any popular commotion, or other outbreak of a similar nature, they were always found the most forward and the most violent. But the evils arising out of such an unnatural and deplorable state of things did not stop there? It appeared by the criminal records of almost every Assizes which took place in Ireland, that many of those miserable, infatuated men, having no hope of redress from the law, seeing destruction staring themselves, and, what perhaps was dearer to them, their helpless families, in the face, formed themselves into Committees for the purpose of murder, and actually deliberated and decided on the destruction of those whom they deemed falsely or otherwise, their oppressors and persecutors. One of the most remarkable cases of that description on record was the case of Mr. Sheehy. That gentleman was well known to him (Sir Richard Musgrave), and he had come to live on the borders of Tipperary (the county he inhabited). Having had some quarrel with his tenantry, respecting a portion of land which he wished to take under his own management, he was murdered a short time subsequently. The murderers were tried at the Waterford Assizes, and it was clearly proved in the course of the trial, that his death had been decided on by a Committee, of which the murderers were a portion. There was a more recent case of equal atrocity, that of Mr. Dawson in Limerick, which he was sure was familiar to every one interested in the state of Ireland, but which he should not disgust the House by detailing. His hon. Friend (the Member for Stroud) had wished to introduce a system of Poor-laws into Ireland analogous in every particular to those which had lately been in force in England, and his reason for wishing to introduce them in that shape was the analogy which he deemed to exist between that country and England at the period of their enactment for the latter. But his hon. Friend had mistaken the remedy as he had mistaken the analogy. The Poor-laws of Elizabeth would not do for Ireland, more than for England, without a thorough amendment, such as they had recently received. From his own experience, as well as from that of many friends whom he had consulted, he was convinced that the plan of Poor-laws proposed by his hon. Friend would not be sufficient for the actual condition of Ireland. Acting on that belief, he had introduced the Bill before the House. It appeared to him that the best mode of relieving Irish pauperism was by encouraging industry—by employing the active and the able-bodied on public works —and by providing legal support for the aged and the infirm. The principal employment in the way of public works in Ireland was on roads for which presentments were made by Grand Juries; but these were comparatively few, and the quantity of employment afforded by them was wholly insufficient for the exigences of the wretched people. It was to encourage these works, as well as to create and set on foot new ones all over the country, that he brought in the measure under discussion. One portion of it went to provide funds for public works, and the other for the support of the aged and the infirm; the rate in aid of which was to be levied partly on the landlord, and partly on the occupying tenant. It might be said, he was aware, that the support of the aged and the infirm would be better left to their relatives; but every one knew that many of these wretched beings had no friends or relatives in existence, while it was a fact as notorious, that the low wages of the labourer in Ireland were quite insufficient for his immediate family of wife and children, still less for the additional burthen which would be thus thrown on them. He proposed, that each city or parish should be placed under the direction of a Committee, who should divide it into districts, to be superintended by sub-Committees chosen from among them. That the duty of each sub-Committee would be to make accurate lists of the aged and infirm in each district, and, having verified them by every means in their power, return them to the Mayor. By the Mayor and the Common Council the rate for their relief was to be fixed; the rate to be founded on the valuation at present going on in Ireland. Three-fourths of it were to be payable by the landlord, and one-fourth by the occupying tenant. That, combined with the other principle, of providing labour for those able to work, would obviate such scenes and occurrences as were now daily taking place in the county of Mayo, and other spots on the West coast of Ireland. By another clause power would be given to parishes and cities to afford assistance to Mendicity Institutions where they at present existed, which was very necessary, in his opinion, as those who were best able to afford it would not subscribe, while the burthen of supporting fell solely upon the humanity of a few. There were other clauses which he should not enumerate. He should barely state, that it was a fearful —a horrifying—thing to see the Irish poor travelling about from one part of the country to another, nearly naked and almost starved, exposed to every inclemency of the season, and a prey to every disease incident to distress and to destitution of the extremest character. To hear their complaints, and to witness their condition, were quite sufficient to make any man of the least feeling blame and condemn the Legislature for allowing any of those whom it was instituted to protect, relieve, and cherish, to be reduced to such a state of misery, and for not interfering promptly to save them from inevitably perishing. He hoped, however, that the vote of the House on the second reading of the Bill before them, would record the sentiments of sympathy and the desire to alleviate their distress entertained by the Legislature. The hon. Member concluded by moving, "That the Bill for the Relief of the Poor in Ireland be read a second time."

Mr. *James Grattan* said, though the subject was without doubt embarrassed by many weighty and serious considerations, he should notwithstanding press it on the attention of the House, because of the magnitude of the evils which it went to remedy. It was not a question of party or of faction—perhaps if it had been, it would have long since received more attention—but it was one which concerned the poor of Ireland alone. Notwithstanding the indisposition shown on all occasions to entertain any Bill like the measure before the House, the subject of Poor-laws for Ireland would ultimately, from the importance of its nature, force itself on the attention of any Government who might hold office, be their opinions what they might. There was another measure which would have the effect of accelerating that force, which was the ample and excellent Tithe Bill of the noble Lord, the Secretary for Ireland. It would be unfair to consider that Bill, without at the same time considering, as in connexion with it, the poor of Ireland. It was a fact, though, perhaps, one not as generally known as from its important nature it ought to be, that the poor of these kingdoms were legally entitled to relief from the funds of the Established Church: yet so it was. And, in pursuance of the assertion of that title, it was his intention to move in the Bill for the regulation of Tithes in Ireland, a clause containing a provision for the Irish poor out of the property of the Church. With respect to the Motion before the House, he was aware that it might be urged that the question it involved was brought forward prematurely, and that it was unwise precipitately to press it on until the Reports of the Irish Poor Law Commissioners should be laid on the Table. But whoever else had need of information on the wretched state of the Irish poor, he had none. For the last ten years he had attentively considered the subject, and he had been engaged in vain efforts to induce the Legislature to interfere effectually for the relief of the poor of Ireland, and now he was not to be told that he should wait for further information. But even if he had not possessed the means of knowing personally the condition of the Irish poor, he had no occasion to wait for the Report of the Commissioners. He held in his hand a Report made by one of them—a pamphlet written by one of them—detailing the scenes he had witnessed and the remedies which he thought best fitted to obviate the dreadful distress of the poor. Nothing but a system of well-organised Poor-laws would be effectual for the distress of Ireland, and he (Mr. Grattan) was bound to say, that even the abolition of tithes would be ineffectual to that end, if the landlords were not compelled to contribute to the support of the starving population of their estates in one way or in another, in food or in employment. Until that was done, it was idle to say a well-disposed peaceable gentleman, of no party, could live in Ireland. There never would be safety for property or for life until the Irish landlords acted to their tenants in the same manner as the English landlords did. He should be sorry to have bread himself, and to see his tenants want potatoes; but he was sorry to say other men were not so. It was a well-known fact, that the people were peaceable in Ireland in proportion to the degree of kindness shown them by their landlords. With respect to the necessity for some provision for the Irish poor, all the Committees of the House which sat on the subject since 1823 were of opinion that the greatness of the distress called for some strong remedy. It was, therefore, the duty of the Legislature to grant the relief required; and not to suffer itself to be deterred by the interested opposition of landlords. It had been urged by the opponents of Poor-laws in Ireland, that in no country in Europe or America were they in existence save and except in England; but since that time, a Report of the foreign Poor-laws had been printed, and it appeared that they existed in every State of the American Union except two, and that nine States on the continent of Europe had them in full operation. Where the laws in operation were not analogous to the system in England, there were, as in Holland, charitable institutions for the reception and support of the poor and destitute, the management of which cost much more than that of the English system of Poor-laws. Unless some effectual measures were taken, the poor of England would soon be reduced to a level with the paupers of Ireland. Such at least had been the doctrine held in that House; but he would say that if Irish rents did not come over to England, there would be no necessity for Irish labourers to cross the Channel. He referred hon. Members to the work of Mr. Inglis, which fully bore out the view he took of the subject. He trusted that the Bill would be allowed to go into Committee, and that the House would have the benefit of the voluminous and invaluable papers which the hon. Mover had collected upon the subject.

Viscount *Morpeth* said, that he rose early, in order to communicate to the House the course which he intended to take upon the subject. His hon. Friend who had brought forward the Motion had consulted him upon it, and he had begged his hon. Friend to defer all proceedings until such time as the House should be in possession of the Report of the Commission appointed to inquire into the state of the poor of Ireland. He had then told his hon. Friend, that in a month he hoped to be able to lay the Report upon the Table of the House, and he had been able to fulfil his expectations, for a month had elapsed precisely on that day: and he had that day brought up the voluminous Report of the Commissioners, and had laid it on the Table. The House had not had an opportunity of reading the papers, but he knew their contents, and he was sorry to say that he could not hold out to the hon. Mover a hope of any practical benefits that could arise from carrying his Motion. The papers before the House did not contain the whole of the evidence that had been collected, nor did they contain the opinion of the Commissioners on this most important and complicated of subjects. In the course of the next Session the whole of the evidence would be completed, and the Report would be laid before Parliament and the country. It would show but little acquaintance with the duties of the most important office which he had the honour to fill, if he did not at once state his conviction that no subject connected with Ireland approached in importance the question of the propriety of introducing a system of Poor-laws into Ireland; but, at the same time he took no shame to himself for adding, whatever handle it might afford to reproach or misrepresentation, that a subject so wide in its reach, so complicated in its bearings, and so permanent, whether for good or evil, in its results, could not be beneficially struck out by a Government newly formed, during the progress or before the completion of an inquiry by Commissioners to whom the Government had especially delegated the task of providing them with the grounds for legislation. Certain it was, that whatever were the evils, and he was the last man not to feel them, of the present state of the destitute class in Ireland, any ill-conceived, or ill-digested, or partial, or immature attempt to remedy them would increase those evils tenfold. His hon. Friends who had moved and seconded this question, had alluded to a Commission now also sitting on the subject of public works, and the feasibility of introducing a plan to carry on those works on an increased and extended scale. He hoped that the result of the labours of the Committee would permit of something practicable being undertaken in the course of this Session; and as to the larger question of the Poor-laws in general, he had no hesitation in repeating what he had said in reply to the hon. Member for Tipperary the other evening, that he felt convinced the whole subject was one to which both Government and Parliament would be called upon to address themselves in sober earnest in the course of the ensuing Session; but then, with a view to do even that successfully and efficiently, until all the opportunities of information were before the House which Government themselves had appointed, until all the means which they had thought proper to make preliminary to legislation should be at their disposal, it was better, wiser, safer, and fairer, to reserve and suspend the expression of all opinion. He had every reason to believe that the same Government which did not shrink from encountering the difficult question of the reformation of the English Poor-laws, would also be in no way inclined to shrink from taking that part in the introduction of Poor-laws into Ireland to which a sense of their duty might lead them. Under these circumstances, he did not pretend and he did not wish to offer any opinion upon the measure which the hon. Member for Waterford had that night brought before the House. He only wished to express his gratitude to the hon. Member for having put the House in possession of the results of his benevolent labours and exertions. He wished to express his gratitude for every assistance that could be taken to facilitate the course of Government in Parliament; but feeling that no good, but rather harm would be encountered by any piecemeal and merely experimental attempts on this great subject, which ought to be well digested, and only to be brought forward on the responsibility of the Executive Government of this country, on whom only the onus ought to fall, he hoped the hon. Member would not be inclined to press the House to give a formal or premature decision on the subject. If the hon. Member did, he should be under what would be to him the painful necessity of moving that the Bill be read a second time that day six months. He hoped, however, the hon. Member would save him from the appearance of offering opposition to him personally, or expressing an opinion contrary to the objects he had in view. He would say the same respecting the Motion of the hon. Member for Stroud. He hoped that both hon. Members would enable Government and Parliament to take advantage of their united labours. He was inclined to look favourably on the circumstance that two hon. Members, one a Member for an English town and the other a Member for an Irish county, had brought forward this subject. He hoped that when the time came for discussing it, it would be felt that inhabitant as well as native, Jew as well as Samaritan, were actuated by one common feeling of doing whatever was suggested by a spirit of enlightened benevolence to ameliorate the condition and alleviate the sufferings, which undoubtedly prevailed amongst the great bulk of the Irish people.

Mr. *Richards* was of opinion that Ministers could not do otherwise at so late a period of the Session than pursue the course which had been followed by the noble Lord who had just sat down; but at the same time Ministers might have come forward to assure the House that they approved of the principle of the Bill they were then discussing, and that next Session they would propose some definite measure to the House. The condition of the Irish poor imperatively called for some measure of relief. The bad effects of the Poor-laws in England had arisen, he believed, in a great measure, from the alterations in the value of money, and from other causes than any inherent evils in the laws themselves. The Scotch had at first expressed the same indisposition to receive Poor-laws as many of the Irish did at this day, and it was not until after repeated proclamations that they had consented to the introduction of Poor-laws. According to the testimony of Dr. Chalmers, only seventeen years after the introduction of Poor-laws into Scotland, that country, as if *per saltum*, from a state of misery and destitution, became peaceable and obedient to the laws. He could not help stopping to advert to the indecent laugh which he perceived on the countenance of the hon. and learned Member for the city of Dublin (Mr. O'Connell.) He had come down that night to the House in hopes that the hon. and learned Member would have exercised his great abilities in suppport of a Motion that was to make some provision for his poor countrymen. He had expected that the hon. and learned Gentleman would on the present occasion have been the warm advocate of his country; but so far from these expectations being realised, he had witnessed the hon. and learned Gentleman treating the subject with an indecent laugh. The hon. and learned Gentleman seemed disposed to interrupt his speech, but he would beg him to say openly whatever he might have to object to in what he was addressing to the House. He possessed a property in Wales, and for twenty years he had never seen a beggar in that country, except once, and that was an Irishman. He had never in that country seen a single instance of a native Englishman or Welshman asking alms, and yet the Poor-laws on his estate did not amount to more than 13*d.* per acre. Owing to the establishment of the Poor-laws, there was security for life and property throughout England, but no such security existed in Ireland, nor could it exist until relief was afforded to the poor of that country. All that Ireland wanted was a due, and regular, and legal provision for the poor, and to that provision the poor were entitled, on the ground of humanity, as well as of policy, and of self-interest to the rich. Did we want any other facts to account for what was called the poverty of Ireland? Did we want any other fact than the absence of that due and legal provision to which the poor of that country were entitled? If, however, hon. Members were not prepared to vote for this Motion on the ground of humanity, let them support it on the ground of policy—let them support it from regard to their own interests and safety, for their interests and safety were involved in making a legal provision for the destitute poor of Ireland. He was not one of those who would prevent the free ingress of labour into this country; but if Ireland was to remain the *officina operum,* which it now was—if ingress was allowed into this country, it must reduce the price of labour in the two countries to a common level, and that level must be the state in which we found it in Ireland. He hoped that hon. Members, on the ground of policy, out of regard to their estates, their rents, their wives, and families, and everything that was dear to them, would come forward to support the proposition of the hon. Baronet—a proposition which he was astonished to see received so coldly by the House—by such empty benches. [*There were few Members on the Opposition side—the Ministerial Benches were full.*] If there was any thing which hon. Members were bound to attend to, it was the happiness of the community of which they were Representatives. As a specimen how little to be relied on, and how imperfect was a voluntary provision, he would mention, with regard to the Mendicity Society in Dublin, that out of 11,500 houses only 2,000 contributed anything whatever in support of this institution, and the inhabitants of Dublin came forward soon after that, and implored the House to provide some legal means by which those who did not contribute any thing, should be compelled to join in the labour of love, humanity, and justice, which the other inhabitants had agreed on. It was not now asked to introduce a new principle into Ireland, but merely the legislative principle which already existed in England. Let the hon. Member for Dublin come forward in his manly and eloquent way and support this proposition—if he did not come forward, then would he (Mr. Richards) say, *non equidem invidio miror magis*. That hon. Member had expressed himself a convert to the necessity of making some provision for the poor in Ireland. If he was a convert to the necessity of making some legal provision for the poor, then let him come forward with those powers which nature had given him, to support this Motion, or give some substantial reason for opposing it.

Mr. *Cresset Pelham* said, that looking at the state of the poor in this country, he thought it dangerous, unless upon good grounds, to introduce Poor-laws into Ireland.

Mr. *Hume* was as much alive to the importance of the subject of Poor-laws for Ireland as any of the hon. Members from that country could be, and he considered the question to be of equal importance to English Members as the subject of their own Poor-laws. He had for twenty years exerted himself on all occasions to expose the system of misrule and wrong-doing towards Ireland, from which so many of her evils sprung, and which he was of opinion had wholly caused her present destitute and wretched condition, and he must say, that he at one time was very much disposed to believe that the only remedy would be to apply the Poor-law system to that country, as it had been done here. But when he came to consider the causes of that misery and destitution, owing to the pertinacity with which English Ministers adhered to the maintenance of all the abuses which had existed for ages in Ireland, and which had cramped the industry and thwarted the views of those who would have employed their capital in the encouragement of manufactures and public works, he must say, that he did not think the introduction of any system of Poor-laws, however perfect, would be attended with success, unless the predisposing causes of the evils to which he had referred, were altogether, or partially removed. For this reason he was not disposed to view the question in the light in which many hon. Members had attempted to place it before the House. The proposition of the hon. Member for Wicklow, for affording the destitute poor of Ireland relief by setting them to work, and paying them for it, was of all plans the only one likely to succeed, and it was also the most rational. But the consideration presented itself whether Ireland had ever been in a situation to warrant the employment of capital; and he answering this question in the negative, would also affirm that until the present system of misrule was changed to a better and more liberal system, there would be no chance for bettering her by the means pointed out. It seemed, however, that the Government were at length determined to alter their plan of ruling Ireland, and one of the means to be resorted to for pacifying and ameliorating the condition of her inhabitants, was to give every man in every class of life, and of every persuasion, fair play. And when the House considered that the mode of accomplishing this was proposed to be done by removing from the people at large the burthen of supporting an Established Church to which they were inimical, and which had for so long proved such an intolerable evil, he was of opinion that the Government also ought to have fair play, and that the Parliament ought to try the effect of that relief before they adopted so strong a measure as that proposed by the hon. Baronet's Motion. He would very readily agree to any proposal for assessing the property at large of the Irish landlords, as soon as it was apparent how far the contemplated reforms fell short in relieving the miseries and necessities of the poor; but he really did not consider that the present was a time when that *ultimatum* ought to be pressed forward. The Parliament ought to act towards Ireland as they had done to Scotland, first tranquillize the people by removing the glaring abuses which afflicted the nation at large, and then, as a matter of course, capital, of which millions were now ready to be employed, would find its way into the country, as it had done into Scotland. The introduction of Poor-laws into Ireland would retard and not accelerate this result, and this was one reason why all well-wishers to that country would put that measure off, as the very last to be resorted to when all others had failed. For these reasons he entreated those who were desirous to see Ireland extricated from out of her present difficulties, not to interfere at this moment by pressing forward a Motion like this, but to wait the result of the Government measures, which he trusted would be attended, not only by the removal of the burthen of tithes, but also by the more equal Administration of Justice, and the selection of a better race of Magistrates.

Mr. *Poulett Scrope* felt satisfied that the maintenance of the impotent and the infirm Irish poor was not sufficient, but that one of the main principles in any system to be adopted ought to be, that employment should be furnished to those who were destitute of it. The latter he importance as the former. It was not sufficient to state, that they would give food to that portion of the poorer classes that were infirm, but they ought to prevent those who otherwise would be able-bodied from becoming so. There were societies in several parts of Ireland—and he would mention Reffart as a place where such a society existed, similar to the Mendicity Society in London, which supplied certain classes of the poor with food, but they were wholly inadequate to supply the wants of the people. He was satisfied that the first principle to adopt towards improving the condition of the Irish people was to give employment to the able-bodied poor. Capital would not be safely invested in that country, nor would manufactures be extensively established there, until they adopted this principle. The chief thing to improve the people was to give them employment, and until that was done on an extensive scale, little good could be expected. Could anything be more distressing than the present state of the Irish poor? They had evidence on their Table to show that crimes had been committed by many persons, with a view of getting into gaol that they might obtain food. In the greater portion of France, as well as in most of the continental states, some system or other of Poor-laws existed. The condition of the people of France was far superior to that of the Irish people. In the former country, out of a population of 34,000,000, there were several hundred thousand landed proprietors, while in Ireland the number was comparatively small. He had no hesitation in saying, that four-fifths of the Irish population were the slaves of the landed proprietors. If they offended the landlords, they were turned out of their miserable habitations to starve, as they could not get residences in other places. He would ask them, was their condition superior to that of the slaves, when they could be deprived of the means of existence at the caprice of the landlords? As long as the Irish landlords possessed the power they now did, it was not at all surprising that they exerted themselves to prevent the adoption of any system of Poor-laws in Ireland. He contended that the property of every land-owner in Ireland should be made liable to the charge of providing for the maintenance of the poor as well as that of the owners and occupiers of the land in England. Similar powers should be given to Commissioners in Ireland for the establishment of a system of Poor-laws that had been conferred on the English Commissioners. A great deal of misapprehension had prevailed as to the state of the people in Ireland, and this had been increased in consequence of the statements made in that House. In the debate on the Union last year, the right hon. Gentleman, now Chancellor of the Exchequer, contended that there had been recently great improvements manifested in the Irish manufactures, and among other places he referred to the state of Kilkenny as a proof of his assertion. On looking, however, to Mr. Inglis's work on Ireland, he found that the statement that had been made by the Chancellor of the Exchequer was not borne out by the authority of that gentleman; on the contrary, he gave a very different account of the state of things in that place. "I wish," said Mr. Inglis, speaking of the people of Kilkenny, "I could have contemplated their situation with as much complacency and pleasure as I did the city itself, and the natural beauties that surround it; but I am compelled to say, that I found the most wide-spread and most aggravated misery. The population of Kilkenny is about 25,000; and I am enabled to state, after the most anxious inquiry and close personal observation, that there were at the time I visited Kilkenny, upwards of 2,000 persons totally without employment. It chanced that I was at Kilkenny just after the debate on the Repeal Question, in which the prosperity of Ireland was illustrated by reference to that of Kilkenny, of whose prosperous manufactures honourable mention was made, condescending even upon the number of water-wheels at work, which were said to be eleven in number; and the carpet manufactory, too, was spoken of in such terms, that it was said to be owing to its success that the weavers of Kidderminster had petitioned for repeal. I visited these prosperous factories immediately after the account I have mentioned was received; the principal of these factories used to support 200 men with their families: it was at eleven o'clock, a fair working hour, that I visited these mills, and how many men did I find at work? One man! And how many of the eleven wheels did I find going? One; and that one, not for the purpose of driving machinery, but to prevent it from rotting. In place of finding men occupied, I saw them in scores, like spectres, walking about, and lying about the mill. I saw immense piles of goods completed, but for which there was no sale. I saw piles of cloth at 2*s.* a-yard, with which a man might clothe himself from head to foot for 10*s.*, but there were no buyers; the poor of Kilkenny are clothed from Monmouth-street. I saw heaps of blankets, enough to furnish every cabin in the county, and I saw every loom idle. As for the carpets which had excited the jealousy and fears of Kidderminster, not one had been made for seven months; it was but an experiment, and had utterly failed; and, just to convey some idea of the destitution of these people, when an order recently arrived for the manufacture of as many blankets for the police as would have kept the men at work a few weeks, bonfires were lighted about the country; not bonfires to communicate insurrection, but to evince joy that a few starving men were about to earn bread to support their families. I speak warmly on this subject; but how can I speak otherwise than with warmth? Surely, I need not say that I do not accuse any one of false invention or wilful misrepresentation; but I accuse some one of having furnished to the advocates of the Union lies in place of truth. Their views required no such props; and I, who am no Repealer, regret that an argument should be thus furnished to the Repealers. The supporters of the Union advance as an argument against the Repeal of the Union the prosperity of Ireland, and Kilkenny is quoted as an illustration of that prosperity. The statement turns out to be utterly false; and thus the Repealers boast that they have a stronger case." One of the most powerful arguments which had been urged in favour of the Repeal of the Union was the ignorance of the Legislature with respect to the condition and the wants of the people of Ireland; and yet the Chancellor of the Exchequer had quoted the improved state of Kilkenny to show there was no necessity for the Repeal of the Union. He was convinced that the Chancellor of the Exchequer, if he would look to the state of Ireland, would find that the feeling in favour of a system of Poor-laws in that country was daily increasing; and if some measure of the kind was not granted, the feeling in favour of repeal would increase. The hon. Member for Middlesex had contended that the English Poor-laws were founded on a bad principle, and led to the infliction of much misery; but the Commissioners who had been appointed to inquire into their operation entertained a very different feeling on the subject; for they declared that the principle on which they were framed was good, and that all the mischief which had arisen from their operation had resulted from the principle on which they were founded being departed from. The maladministration of the Poor-laws dated from the year 1796, and until that time the original measure, passed in the reign of Elizabeth, had been acted upon, and no evil whatever had resulted from it. He had given notice of a measure on this subject; but he did not intend to persist in it, but should give his support to the Bill on the Table. It was very well for the hon. Member for Middlesex to ask the House to wait to see the result of the measure respecting the Irish Church before they adopted the system of Poor-laws; but arguments like that had repeatedly been urged on former occasions: they had been asked to wait to see what the Government would do, and in the meantime the interests of the poor had been neglected. Whatever, therefore, might be the fate of the measure for affecting a change in the present system of tithes, he should persist in supporting this Bill; and he trusted that the majority of the House would support it. He admitted that great advantages would result from the Bill introduced by the noble Lord; but they would not be of such a nature as would justify the House in refusing to pass a measure for relieving the present condition and promoting the permanent welfare of the destitute Irish poor. If, however, the measure now before them should that night be defeated, he would take care, in the course of the Session, again to bring the subject under the attention of Parliament. The interest of the English agricultural population, as well as that of the English landlord, made it necessary that some measure of the kind should pass, however much the feelings of Irish landlords might be opposed to it.

The *Chancellor of the Exchequer* would not have addressed the House at that moment, had it not been for some not very candid observations which had fallen from the hon. Member for Stroud. The hon. Gentleman had adopted rather an extraordinary tone in the course of his speech, and had been pleased to assume that hon. Gentlemen who were connected with Ireland differed with him as to the view he took of the subject, because they were Irish landlords. He never recollected, during the long period he had been in that House, arguments assumed of a more extraordinary nature than those urged by the hon. Gentleman. He should be perfectly warranted, adopting the tone of argument of the hon. Gentleman, in making the assertion, that the hon. Member, as well as others who supported the Motion, were rather influenced by English than by Irish feelings. He only mentioned this, to point out the impropriety of adopting this style of argument, and at once to reject and repudiate it. In considering questions like that before the House, they should be swayed and actuated by only one feeling, namely, how they best could improve the condition of the great bulk of the Irish people. Without further exordium, therefore, he should proceed to discuss the question on its general merits, passing by the observations of the hon. Gentleman as beside the question. As, however, he had been addressed almost personally, he could not help observing, that the hon. Member, in appearing to think that an individual connected by birth with Ireland, and residing there many years of his life, and also connected with it by property, and having been for many years the representative of a place of great commercial importance in it, knew nothing of the state of the country, and of the matters most deeply touching its welfare, did not exhibit any peculiar courtesy in his remarks, but rather assumed a tone of dogmatism that was by no means common in that House. Let the House inquire into the subject with reference alone to the interests of the Irish poor themselves. He would put it on no other ground; he would not mention the interests of the landlords. He would assume that the exigencies of the case were such, that even if the whole race of landlords were to perish by one stroke of inadvertent legislation, yet if it were possible to restore the great mass of the population of Ireland from the depressed condition in which they all admitted they were placed, by one experiment, that experiment should be tried. Let them now inquire whether the present measure was likely to produce the desired effect? The inquiry which had been instituted into the subject had been a long time in progress; he had hoped some general Report would have been made before; for that Report he was most anxious; and notwithstanding the attack of the hon. Gentleman he should wait until he had ascertained from its contents that the course he proposed was justified by circumstances, or likely to succeed. The House had not even ventured to amend the English Poor-laws—a system which had been established since the reign of Elizabeth—until they had laid before them all the information that could possibly be collected; and yet now, without any information or evidence whatever, they were called upon to take a much greater and far bolder step, and affirmed a system of Poor-laws in a country where they had not previously existed. Hon. Gentlemen had asked what the Government intended to do upon this subject in the course of the next year. Again he said, that to enter into any detailed account of what they intended to do, would be to anticipate the result of the pending inquiry; but he would tell the House what he for one was perfectly prepared to do. Upon this point he wished to be clearly understood. Hon. Gentlemen advocated Poor-laws in general terms, and yet there were no two individuals who, if they were called upon to define what they meant by that expression, would agree in their definition of it. He could not have a better example than that of the two hon. Gentlemen who were charged with these two Bills. One of them advocated the compulsory support of the able-bodied; the other rejected that principle altogether. This in itself was sufficient to show that until they arrived at some precise definition of what was meant by the expression Poor-laws, they did not know the very elements on which they were about to operate. Now, because he resisted the over-hand work and hasty work, he was supposed by the hon. Member for Stroud, and others both in and out of that House, to be indifferent to the well-being of Ireland. What was the definition in the present Bill of the classes of poor deserving and requiring relief? It enumerated the helpless poor paupers above the age of sixty, or orphans under the age of fourteen, the maimed, the diseased, the idiot, the lunatic, the blind, and the deaf and dumb. With respect to the maimed, the diseased, the idiot, the lunatic, the blind, and the deaf and dumb, he was prepared to go to the full length of providing, to any extent that could be required, for their relief. Tax his property; tax the rental of the country to any extent they pleased; so far from remonstrating against that, so far from opposing such a proceeding, there was no individual in that House who was more ready to act upon the principle to the fullest extent than he was. Take another great element in the improvement of the social condition of a people—he meant the education of the young. There was no extent of taxation to which the landed property of Ireland could be subjected with this view, to which he, as a landed proprietor himself, was not prepared to render a hearty assent; believing, as he did, that it was a species of taxation which could only be administered for the public good. Where, then, it might be asked, was he prepared to draw the line? The distinction he took was plain and intelligible. He would afford relief in every possible case of distress, where the relief given was calculated to remove distress, without creating more distress than it was intended to remove; he would consent to any legislative engagement to carry such views into effect which the hon. Member for Stroud could frame; he would be a party to any legislative pledge the Legislature had the means of redeeming; but he would show the hon. Gentleman, that he proposed a fraudulent and swindling obligation upon the part of the Legislature—quite unconsciously, he was certain—for he knew no man in the House more unlikely to lend himself wilfully to any such proceeding. The hon. Gentleman proposed to bind the Legislature to a promise it could never redeem—he meant the interminable power of giving relief to all classes of persons. With respect to the orphan, that might be an exceptive case. If it could be shown to him that an orphan had no immediate relative to take care of and educate him as a useful member of society, then he admitted that the State stood *in loco parentis*, and was bound to provide for his necessities. To apply his principle, no person would die the more if provisions were made for the relief of orphans; but did not the House think that many persons would work the less, if the State, by undertaking to provide for the orphans with whom they were connected, relieved them from the moral responsibility which would otherwise attach to them? The condition of the Irish poor deserved, he admitted, the most serious and searching consideration. He did not mean to deny that the introduction of cheap labour into this country had a tendency to reduce the wages of labour; but he wished to invite the attention of the House to the discussion—whether the introduction of Poor-laws into Ireland would be likely to diminish the periodical emigration of Irish labourers to this country? First, let him consider the provisions of the measure under consideration. It contained a provision for the relief of the poor, not being able-bodied, of every class. Now, if they undertook to provide for the family of the Irish labourer, for every young person, for every sick person, for every diseased person of every class, by a compulsory assessment as the Bill proposed, he put it to the common sense of the House whether it was likely that there would be a less disposition on the part of the Irish labourer to come over to this country, and seize upon the advantages held out to him by the English market? On the contrary, was it not to all intents and purposes certain that if the State contracted the obligation of providing for his family in his absence, he would be much freer than he ever was before to come over to England for the specific purpose of obtaining the highest reward he could in return for his labour? It might be said that his was not a fair mode of meeting the Question; he might be referred to the alternative of providing for the Irish poor, and teaching them to work at home. What effect had the existence of a provision for the able-bodied poor had on the wages of labour in England? Let the House compare the state of things in the north of England, where that principle was not known, with the state of things in the south, where it was in full operation. In what part of England were the wages of labour highest? It was matter of perfect notoriety that they were higher in the north where the able-bodied poor had not been supported at the public expense, than in the south, where the principle had been acted upon to the utmost extent. [An *Hon. Member*, " that is the result of manufactures."] Manufactures! Now his hon. and learned Friend should not take that ground. Let the House compare the agricultural parts of Northumberland in which manufactures did not prevail, with any part of England in which the wages of labour had been partly paid out of the Poor-rates, as had been the case in many parts of England, and especially in one which was at no great distance from the manufacturing districts he meant the county of Wilts. They would find that in precise proportion as a part of the wages of labour had been paid out of the Poor-rates, the rate of wages had fallen. If the system had produced this effect in England, must it not produce a similar effect in Ireland? Let them take either case. If they provided for the non-effective labourers, did they not hold out a great inducement for the effective labourers to repair to this country; and if they provided for the relief of the effectives, would not they hold out an increased temptation to the non-effectives to glut the English market? The objection might be removed by merely raising the wages of labour in Ireland; but if a Poor-law Bill for that country passed to-morrow, would the amount of capital in it be greater, or would the rate of wages be increased? The hon. Gentleman had said that he would employ the fund to be raised by the Bill in labour. Did he mean profitable or unprofitable labour. [Mr. *P. Scrope*: Public works.] Very well; but to judge of the profitable nature of public works, they must be discussed on their own merits—not considered generally as an auxiliary on the Question of Poor-laws; and if any such offered that would command a profitable return, it stood to reason that a capital would be employed in it, without any Poor-laws at all. It was quite in vain to expect that property could or would be profitably employed until some security were afforded for a due return. In considering a proposition of this nature, the whole circumstances of the country to which it was to be applied must be considered also. It was not by cases of individual outrage that the morality of a country could be determined; if any body took up the Newgate Calendar, or even the papers of the day, they would perhaps meet with specimens of atrocity, which for cruelty and barbarity could not be exceeded in Ireland; still he admitted—indeed he apprehended no one could deny—that Ireland was not in the same state of civilization as other countries that had been referred to, more especially as England. The hon. Gentleman had said it was impossible to introduce any effectual system of Poor-laws without accompanying it with an alteration in the law of settlement and the law of removal. To both there were the strongest objections. The law of removal was open to this inconvenience and hardship—if a man went to the north of Ireland from any other part of the country, and behaved himself ever so well for many years, immediately on his requiring parochial relief through sickness or old age, the hard taskmaster—the overseer—would be on the alert, and he would be at once carted into some parish waggon to the place he had left years and years before, to drag out the remainder of his existence in a place where he had no ties, to which he was bound by no associations, and in which he could only regret the scenes he had left. The law of settlement was open to the objection that it confined labour within a certain and defined locality—a system productive of evils which he believed no one would be inclined to dispute. The hon. Gentleman had announced three points as the objects he sought to attain. The first was, the suppression of mendicancy and vagrancy. To attain this end, the hon. Gentleman must enact the old penal code against vagrants, and render it compulsory on them to leave their abodes and repair to the parish workhouse. He then proposed, by a compulsory assessment, to afford relief in cases of sickness and helplessness. Let the hon. Gentleman define the cases in which this relief was to be afforded, and he would readily concede the principle. The other object was the relief of the poor able-bodied; and to it he had already adverted. One provision of the Bill was, that in periods of general distress there should be a power vested in the Government to advance, for the relief of the people whatever sums they pleased from the Consolidated Fund, to be afterwards recovered from the rates and assessments to be levied by the Bill. He would not deny that cases might arise—nay, that cases had arisen—in which Parliament had so interposed; it had done so in the case of our colonial possessions; it had done so most liberally for Ireland; but he would take upon himself to say, that this was the first case in which it had ever been proposed to recognise, on the face of an Act of Parliament, the principle, that in case of a general distress, under any circumstances, or arising from any cause, Parliament should have the power of taking from the public purse an unlimited supply for the relief of those who might stand in need. A more fertile source of abuse—a more formidable source of evil—a more fruitful and abundant source of jobbing and corruption, even as it affected the poor themselves, could not be conceived. Let them take the case of two landlords—the one a grinding, hard, mercenary man; the other kind and lenient to his tenants. The first, after grinding his dependants to the very last penny, refusing to relieve their distress, would be enabled to borrow of the Consolidated Fund to what amount he pleased; the other would be actually taxed to repay the amount of the loan in exact proportion to the extent of his endeavours to improve his estate and render his tenants happy and contented. He wished, before he sat down, again to call the attention of the House to the practical proposition before it. If they were of opinion that cases of distress, sickness, and all classes of infirmity were not likely to be increased by providing the relief afforded by the Poor-laws, he was for them. He was willing, ready, and anxious, to give legislative force to the affirmance of that principle; but he was not willing, prematurely anticipating information which was not now before the House, to rush into hasty legislation upon a subject from which he knew retreat to be impossible. Attempts had been made for more than forty years to remedy the abuses of the Poor-laws in England. Mr. Pitt had shrunk from the task; Mr. Whitbread had failed to give effect to it; the benevolence of Mr. Sturges Bourne had proved of no avail; and they had existed and increased until the passing of the Bill of last Session. If he could have believed that the Motion under consideration would have produced the effect desired, he would have been as ready to second it as the hon. Member for Wicklow; but not being able to arrive at such a conclusion, he completely and entirely acquiesced in the views of his noble Friend.

Mr. *William S. O'Brien* said, that he had heard much in favour of the Bill, and nothing against it; for the right hon. Gentleman who last addreseed the House had gone the whole length of admitting the leading principle of the Bill. He had said he would give relief to the sick, diseased, maimed, and impotent. The Bill scarcely went further, and he called on the friends of the principle to help its promoters to arrange in the Committee the machinery by which its principle might be carried out. His hon. Friend proposed to refer it to a Select Committee for the purpose of asçertaining how far that object could be gained. What objection could there be to that course? The noble Lord (Lord Morpeth) said that the present Bill might tend to facilitate future measures; but how did the noble Lord know that thirty or forty Gentlemen to whom the Bill might be referred might not be able to suggest many important particulars, which would be found very useful in a future measure? With respect to the question of immigration of Irish labourers into England, he did not think the present measure would much affect it one way or the other; but if it should have the effect of raising the price of labour in Ireland, it would also have the effect of keeping the Irishmen at home, for it was well known that Irishmen would not leave their own country if they could get as good wages there as in England. As to the contrast which the right hon. Gentleman had made between the rate of wages in some parts of the north of England, where wages were not paid out of the Poor-rates, and the rate in the south of England, where they were so paid, all that could be said was, that it arose rather from a maladministration than a defect in the principle of the law, but it would not be contended that a law might not be passed, adapted to Ireland, without embracing those defects. One of the arguments of the right hon. Gentleman was, that the money would find its way into the pockets of the labourers just as well without a Poor-law as if it had been taken from the pockets of the farmers for that purpose. On this he must remark that, according to a petition complaining of the distresses in the county of Mayo, it was stated that out of a rental of 7,000*l.* per annum, 5,000*l.* a-year was sent out of the country. But all that money should remain in the country rather than have the people reduced to the state of distress which they had been in. An efficient Poor-law would put an end to that bad system, and he, as an Irish landlord, would say, that he knew of no right he had to sit down to dinner with more than the common necessaries of life while his tenants were starving. He owned that he could not agree with the hon. Member for Stroud as to the introduction of the principles of settlement and removal into any system of Poor-laws for Ireland. That, however, was a point into which he would not enter at that time. With respect to mendicancy, he thought that if it could be removed from Ireland, it would, as a matter of police, be a great national benefit. Other objections had been made to some of the details of the Bill, into which he would not then go, because these might fairly become the subject of consideration in the Committee, but there was one point upon which there seemed to be no difference of opinion in the House — that was, that the present state of the peasantry of Ireland was disgraceful to this country. For his own part, he was convinced that there never would be peace or quiet in Ireland while the greater portion of its inhabitants were from year to year, and for a great portion of every year, in want of the commonest necessaries of life.

Mr. *Sharman Crawford* was of opinion that even a more extensive system of Poor-laws was necessary for Ireland than that proposed by the present Bill, but that was no reason why they should reject the present measure. In that part of Ireland with which he was connected there had been established several mendicity societies, from which the poor of the neighbourhood had derived great relief; but now these were failing from want of the power to assess the districts in which they were located, and that was the principle for which the present Bill contended. He, therefore, gave his support to the Bill, though in doing so he had no wish to take any step that would embarrass the Government.

Sir *Edmund Hayes* hoped that if the present Motion were carried, the Bill might not be referred to a Select Committee. He thought it would be much better to have it discussed in the whole House. In voting against the Motion, he wished to be understood as not being opposed to the principle of a Poor-law, but to him it appeared that to remain as they were would be much less objectionable than to enter upon a bad system, and as no two Gentlemen seemed as yet agreed upon the kind of system that should be adopted, he thought that if they legislated in their present unprepared state, they must do so improperly and injuriously. It was to be regretted that some Gentlemen, who were disposed to take an active part with respect to Irish Poor-laws, had not made themselves better acquainted with the necessity for them, and the probable operation of those laws in Ireland. He was led to this observation by what had fallen from the hon. Member for Stroud, who stated that the Whiteboy system in the south of Ireland arose from a want of Poor-laws in that part of the country. Now, the reverse of this was the fact, for it was well known that those who were most active in that system in the south were by no means the most distressed portion of the community. Without being, as he had stated, hostile to the principle of the Poor-law, he did feel that one effect of a general system of Poor-law would be to destroy those kindly feelings which existed between the richer and the poorer classes in that country.

Mr. *George F. Young* could not concur in the principle laid down by the right hon. Gentleman, the Chancellor of the Exchequer, that capital would not be increased by a Poor-law in Ireland. It was well known that a great portion of the capital of Ireland consisted of rent, and the greater portion of that rent was sent out of the country, and employed in foreign or English labour; it was clear if that capital were kept at home, a great portion of it would be employed to buy Irish labour, and would then give work to a considerable number of labouring Irish who now sought to find labour by emigration, they following the capital, in fact, to have their share of it. The outrages that had been committed in Ireland were, in his opinion, chiefly caused from want of food arising from want of employment. That prevented English capital from going into the country, and took out of it much Irish capital which would otherwise remain. In his opinion, a wise and prudent provision for the destitute poor would be the means of restoring tranquillity to that country, and would thus correct the two evils with respect to capital which he had just noticed. He regretted the present measure had not been introduced in the shape of Resolutions rather than a Bill, and he must say that the present Bill was in some respects rather clumsily concocted, and contained provisions to which he could not assent, but at the same time he must protest against negativing a principle which was in itself so just as the leading principle of that Bill. All that was in fact required was to extend to Ireland the principle of the Statute of Elizabeth freed from its defects. If the Government had come forward and stated boldly that it would be ready to grapple with this measur in the next Session, or if it had stated what course it intended to take in urging the question of Poor-laws forward, (for he thought it was impossible to prevent some system from being now adopted) he had no doubt the hon. Member would not press his Bill; but as the right hon. Gentleman had not stated what the intentions of Government were, he felt it his duty to support the Motion.

Mr. *O'Connell* said, that it was clear that the hon. Member did not understand the Statute of Elizabeth. The abuses of which he spoke flowed necessarily out of that Statute; for the principle of the Statute of Elizabeth was, that the labourer who had employment should contribute a portion of his labour to the person who had no employment. The necessary consequences of such a principle was, that abuses grew out of it. He had come down to the House with the intention of voting that the Bill be referred to a Committee, and he had been determined in that intention not by the speeches which he heard in favour of the Bill, but by those which he had heard against it. The hon. Member for Knaresborough had amused him not a little. He had called upon him to give some arguments in favour of the introduction of Poor-laws in Ireland. Now the only reason which he (Mr. O'Connell) would give for their introduction was this, that although the system of Poor-laws was a bad one, still they were driven by necessity, not by choice, to do something for the relief of the indigent poor of Ireland. They were driven to it even at the expense of the property of the country. The hon. Member for Knaresborough by his speech drove them to this. [Mr. *Richards* said, he did not know what the hon. and learned Gentleman meant.] No one had less right to interrupt him than the hon. Member for Knaresborough, for the hon. Member had addressed almost all his remarks to him. The hon. Member had addressed him half with flattery and half vituperation, and he freely admitted that he preferred the vituperation to the flattery. The hon. Member had spoken of him as a renegado. Renegado, indeed! He threw back the insinuation upon the hon. Member for Knaresborough. The hon. Member talked too, of Scotland, which he said had obtained tranquillity by means of the introduction of Poor-laws, and in supporting that view he even made Latin quotations. The hon. Member was as classical as he was consistent. He said, that Scotland had arrived at her tranquillity *per saltum*. Now the fact was, that Scotland had arrived at tranquillity in spite of the Poor-laws, for it was proved that in some parishes in Glasgow, where the Poor-laws were in full force, that tranquillity was annihilated, while in those parishes where they were not introduced, the people were flourishing. Ireland was in a miserable condition, and it would seem that nothing was to be done to relieve her but the application of the paltry quack remedies of the hon. Gentlemen opposite. The hon. Member for Knaresborough having disposed of his Welsh tenantry, proceeded with his French mendicants to Dublin, and complained that he did not find the hon. Member for Dublin among the supporters of the Mendicity Society in that city; but that society cost him more than any system of Poor-laws could, he was a subscriber to that society, though he did not approve of the application of the funds, because the paupers were employed at a rate of wages which deprived the healthy and efficient labourers of employment. That Ireland was in a wretched state, no man could doubt who had read the petition from Borrishoole, and he would defy any set of political economists to say the time had not arrived when something must be done to alleviate the sufferings of the Irish people. The fact was, Ireland was now suffering from misgovernment, and from the misgovernment of that party to which the hon. Member for Knaresborough had recently attached himself. He wished that party joy in having such a political economist as the hon. Member for Knaresborough at their back. The people of Ireland had been misruled for the last 700 years; they had been misruled by the Tory party: and had the late Government remained in office for nine months longer there could be no doubt that their mode of governing Ireland would have produced a sanguinary insurrection in that country. The hon. Member for Knaresborough would give to the people of Ireland a system of Poor-laws, while he denied them justice—they asked for bread and he would give them a stone. The people of Ireland were by no means anxious to join with the hon. Member for Knaresborough in this experiment of Poor-laws. What they desired was the experiment of fair and regular Government in Ireland. At present the condition of Ireland was terrific. There were to be seen persons desolating the land by decimating the country of the tenantry. Landlords were recommended by the Orange party to get rid of their Catholic tenants, and the result was, that the miseries described in the Borrishoole petition would speedily extend all over Ireland if something were not done to arrest them. In considering this question he must confess that he had been obliged to give up logic and resort to feeling. He therefore should concur in voting to-night for going into Committee on this Bill, but he would not do so if something worse even than Poor-laws did not exist. He wished them to read the Bill a second time, in order that this subject might undergo inquiry by a Select Committee during the remainder of this Session, and he hoped that they would arrive at some proper course to be pursued. Looking at the history of Poor-laws throughout Europe it was well known that misery had increased wherever they were adopted. This must be apparent to any one who read the book of that intelligent but wrong-headed man Mr. Nassau Senior. Before they proceeded to lay down any system of Poor-laws for Ireland, they should look at the example of foreign countries. If there existed any system by which the tranquillity of Ireland could be restored, how was it that it had not been discovered? He did not think that the hon. Member for Knaresborough understood anything of the circumstances which led to Whiteboyism; if he had, he would not have made the observations he did on that part of the subject. Whiteboy Acts were for the most part perpetrated by sturdy, lazy, fellows who were unwilling to work, and if Poor-laws were introduced into Ireland, and they were refused relief when they applied for it, their next step would be to burn the workhouse? ["*No, no!*"] No! He asked whether such Acts had not been committed in this country, and whether, in many places, the poor population were not almost in a state of rebellion against the new Poor-law Act? He asked whether they wanted to add to the other incentives to Whiteboy Acts that which would be given to them by a system of Poor-laws? Though he was averse to Poor-laws, he still felt that something must be done. But he would not proceed blindly, or do more than he felt was inevitable. The state of society in Ireland was such, that he did not think there could be found there the materials for forming local authorities to administer a Poor-law. In three of the provinces—in Leinster, Munster, and Connaught, the chief part of the population were Roman Catholics; and the consequence would be that the funds would go into hands in which the landlords would not confide, and they would be applied to purposes of which the landlords would not approve. This, he contended, would have the effect of throwing an additional fire-brand between landlord and tenant, and rendering them more hostile than they were now towards each other. Talking of the north of Ireland—there were in the province of Ulster, 781,000 more Catholic than there were Protestant inhabitants, and even there all the objections he had stated would apply, so that the result of the introduction of such a system would be to involve that country in one scene of trouble and discord. It was said, however, that though Poor-laws in Ireland might be injurious to that part of the Empire, they would be beneficial to England. He had always thought there was something at the bottom of the recommendation, more especially when he saw some particular newspapers —*The Morning Herald* was one—advocating the introduction of such laws into Ireland. This he considered a great mistake; in his opinion the adoption of the system, instead of serving, would injure England quite as much as Ireland. He would take his own parish for the purpose of illustration. If a man had a wife and several children, the course that would be taken was this: The man would have ten shillings given to him to carry him to England, and they would tell him that he should work for whatever he could get here, and in that way endeavour to lighten the burthen at home, while he pressed on the labourers of this country. Thus, instead of diminishing, they would increase the influx of the Irish labourers into this country. The petition from Borrishoole, proved the country to be in a dreadful state. It was a shocking thing that people should be famishing, when the fields around them were teeming with produce; but all this he attributed to bad Government. He concluded by saying, that if something was not done to ameliorate the political condition of Ireland, certainly something ought to be done to relieve the people of that country from the starvation with which they were threatened.

Mr. *Bennett* considered the effects of the measure as regarded England to be quite a minor matter. The hon. and learned Member for Dublin had told them (as he had often told them), that all the evils of Ireland were to be attributed to bad, or in the terms used by the hon. and learned Member, Tory Government. Now he agreed with the hon. and learned Member entirely, and that one of the chief causes of that misgovernment was the absence of the Poor-laws. He remembered making motions for Committees to consider the propriety of making some legal provision for the poor of Ireland, and those motions for Committees had always been refused by Tory Governments. He had voted in many minorities upon those motions against a Tory Government, and he had rarely known a Whig Government refuse those Committees. But it was rather surprising to hear the hon. and learned Member for Dublin saying (although he had made the strongest possible speech against Poor-laws in Ireland) that he would now vote for the Bill being read a second time. He knew full well that a Committee was the way to get rid of the question altogether. He contended that it was a most pressing question, he put it upon much higher grounds than the benefit which would accrue from it to England, or to Ireland—to this country, or to that—he put it upon this: that it was an act of justice towards those persons who, being in society, should be able to live in society. He contended that it was an act of justice that those persons who were born into the world should be able to live by their labour, and by the sweat of their brows. It was the duty of the state to enable them to maintain themselves, that was the principle upon which he called upon the House to decide the question before them. It was of a much higher description than the benefit which was expected to result from the measure to England, by relieving her from the superabundance of Irish labour. The hon. and learned Member for Dublin had also stated another point, in which he (Mr. Bennett) believed him to be much in error, viz. that, wherever the Poor-laws were introduced, there followed misery and wretchedness. The hon. and learned Member had taken the cause for the effect of the Poor-law system. He was not advocating the particular system which was before the House, which he did not altogether approve of. But as he well knew the improvements which Bills always underwent in the Committee, and as he contended for the principle, as beyond dispute, he should, for those reasons, vote for the second reading with a view to the committal of the Bill. It was evident that hon. Members who opposed the Bill were not agreed in their opposition. Some said that it went too far, others, that it did not go far enough; they could not, therefore, it was evident, hit the nail in the right place for every one. He thought that the only way in which the hon. Baronet (Sir R. Musgrave) could proceed was by moving for a Bill—that Bill they had now before them, and all that was asked for it was a fair consideration. The hon. and learned Member for Dublin, had said that he subscribed liberally to mendicity institutions in Dublin. He considered he was right in so doing, not from show, but as there were no other societies, from duty. The hon. and learned Member might be liberal, but then the principle of those societies was, that people should subscribe, not according to their ability, but their charity. Upon the grounds he had stated, he would support the Bill most cordially, hoping that it would come out of the Committee in a much better condition than when it went in.

Mr. *Anthony Lefroy* regretted that the hon. and learned Member for Dublin should have introduced such a tone and spirit of party into this discussion as must tend to defeat the object which he presumed they all had in view—some improvement in the condition of the people of Ireland. He was glad to hear the opinions which had fallen on this subject from the noble Lord and the right hon. Gentleman. The Bill he did not consider a good one for the object in view, but, at the same time, he would say that if any measure could be devised for the relief of the really distressed, the sick and impotent, it should have his support, but he was opposed to giving any claim for relief to the able-bodied poor.

Mr. *Sheil* thought enough had been admitted on all sides to induce the House to send the bill to a Committee. The Bill, it should be recollected, did not make it obligatory on a parish to borrow funds or to assess its inhabitants for the relief of the poor—that was left optional, and the power would be used only in cases of emergency. The noble Lord had stated they should wait for the result of the inquiry; they had already nearly the whole of the evidence before them, but they had no report of the Commissioners, and he understood that the differences of opinion amongst those gentlemen were such that they were not likely to agree in any report.

Mr. *Aglionby* would consent to send the Bill to a Committee for the purpose of striking out any Clauses to which he objected, though he owned he at present saw very few Clauses of which he could approve. By this Bill, if the House assented to it, they would be bringing the Government into collision with the people of Ireland. He could not support this measure, because it was a partial one; but he would willingly support any general measure to mitigate the great distress of the unfortunate poor in Ireland. He implored the House to consider what would be the general state of Ireland supposing that only two or three parishes adopted this Bill. The poor of other parishes would flock into those parishes which adopted its provisions, and the consequence would be that the resources of those parishes would soon be devoured, inasmuch as the Bill gave no power of removing casual poor. He should certainly give his vote against the proposition of the hon. Member behind him. In order that it might not go forth to the public, that in voting against this Bill the House were voting against the introduction of Poor-laws into Ireland, he hoped that the hon. Member would withdraw it, or that, if he would only move that it be read a second time, for the purpose of letting it go before the public now, and perfecting it afterwards, when the Government should have received the report of the Irish Poor-law Commissioners.

Mr. *Barron* said, that if the Bill were pressed to a division he must vote against the Motion of his hon. Friend, as there were portions of it to which he could on no account give his assent. He hoped, however, that his hon. Friend would not place him under that unpleasant necessity, but would of his own accord withdraw his Motion.

Sir *Richard Musgrave* was understood to say, that in the present state of public business he could not rationally expect to get the Bill through the House during the present session. He wished to have the Bill read a second time, to have it amended in Committee, and then to let it stand over till another session.

Mr. *Thomas Attwood* spoke amid the general impatience of the House. After deprecating the inhuman sentiments so often expressed by the political economists on the subject of Poor-laws, the hon. Member proceeded to express a wish that the hon. Member had turned his Bill into a Resolution declaring the necessity of introducing a well-regulated system of Poor-laws into Ireland. In that case he had no doubt but that the hon. Member would have had a majority of the House in his favour. If such a system of Poor-laws were given to Ireland, that country would undergo a great and immediate beneficial change. The peasantry which inhabited it were not idly disposed, on the contrary they were most desirous to obtain employment; still, though he had rather have had a resolution declaratory of the necessity of introducing Poor-laws into Ireland, he did hope that this Bill would not be withdrawn.

The Bill was read a second time.

ENTAILED ESTATES (SCOTLAND) BILL.] Captain *George Fergusson* moved the further consideration of the Report.

The *Lord Advocate* opposed the Bill. He was understood to object that it gave the tenant the power of determining the improvements that were necessary on the estates. He hoped the gallant Member would not press his Motion, as he (the Lord Advocate) had scarcely had sufficient time to consider of its provisions. If his hon. Friend pressed the Motion, he should be obliged to move that the Report be reconsidered that day three months.

Captain *Gordon* said, that last Session the learned Lord asked for delay. It had been before the House the whole of the present Session, and yet the learned Lord asked for further time. This was the more to be regretted, since the subject was one of great importance in many parts of Scotland. He (Captain Gordon) thought that the learned Lord was quite mistaken, if he supposed that the Bill would give the tenant the power of determining what improvements were needed on the estate. The Bill proposed to carry into effect the agreement between the landlord and tenant, therefore it was the landlord who was to determine. The tenant was to pay for the improvements in the course of his lease, and at the end of the lease the landlord was to pay for them. The object was to burden the estate which was benefited by the improvements, and to extend those improvements—that was the whole nature of the Bill. He must say, in conclusion, that he thought the learned Lord might have found time, in the course of the three Sessions, to consider the Bill.

The *Lord Advocate* repeated, that, in his opinion, the Bill ought not to pass; and he hoped the hon. and gallant Member would impute it to no unwillingness on his part to study the provisions of the Bill, if, retaining as he did, the objections which he had stated last year, he persisted in his opposition.

The House divided on the Motion:—Ayes 19; Noes 89; Majority 70.

Bill thrown out.

ENLISTMENT OF SEAMEN.] On the Motion of Mr. Charles Wood, the House resolved itself into a Committee on the Seamen Enlistment Bill.

Mr. *C. Wood* then rose and said, this Bill had been a long time before the House, and had lately been transferred into the hands of the Government by the right hon. Baronet, the Member for Cumberland (Sir J. Graham). The object of the measure was to improve the condition of seamen employed in his Majesty's navy, and to render the service more agreeable to them than it was at present. Upon the subject of impressment he would merely say, that, having given the greatest attention to it, he did not entertain the slightest doubt of its legality, and he believed that it was necessary to retain some power of compulsory service, as indeed was admitted by almost every hon. member who had taken part in the discussion. The hon. Member for Sheffield (Mr. Buckingham) proposed a system of registration, as a means of manning the navy in cases of emergency. Upon the possibility of establishing such a system, he must, at present, decline giving an opinion; all he could say was, that the present Board of Admiralty would give their best attention to the subject, with the view of ascertaining whether it were in their power to establish such a system with benefit to the country. He was perfectly aware that in a Bill which had passed the House, a system of registration was established; upon that he would only say, that he very much doubted whether that system had worked well; one thing was quite evident, that on whatever system of registration the balloting for seamen was to be conducted, some time must elapse ere it could be introduced. He said thus much upon the subject of registration, because it was one which had occasioned great discussion in the House: he would only further say, that he would give all his attention to it, in hopes of putting a final settlement to the question. He held, then, the most distinct opinion, that the retaining, in some way or other, the power of compulsory service was absolutely necessary. No man would be more eager than himself to adopt any legislation that would render it unnecessary.; and he would also affirm, that it must never again be used, save in emergency. Though, therefore, it would be improper to give up the power of Impressment altogether, it was with the view of making the King's service as palatable as possible, that the Bill before the Committee was introduced. In looking back upon the suggestions that had been made as to the measure introduced by the right hon. Baronet, it must be a great satisfaction to the Committee to be informed, that there was not one which, to a certain extent, had not been attended to. The propositions with regard to encouraging the Merchant Service had been carried into effect by the Bill which had passed the House. With regard, also, to corporeal punishments, the strictest orders had been issued upon the subject, and the strictest supervision was exercised over the officers. With regard to any other comforts, a sick mess had been established, and an increased allowance of food begun. It had been regularly established as a rule, that throughout the coasts, no man was to be admitted into the Coast Guard Service who had not been paid off with a high character from the King's ship; and on entering the service he received additional pay, to a very considerable amount, which, of course, was a great reward to the well-behaved seamen. These were measures which had been brought in during the last two years. The next subject of encouragement was the furnishing the seamen with adequate pay; for it was certainly, he agreed with hon. Members, unjust to make them serve for lower wages in the King's ships than they could procure in the Merchant Service; and he (Mr. Wood) believed that, considering the other advantages attaching to the Service, the pay of the King's ship was equal to that of a Merchantman. But he also believed, from all the information he had received from persons best competent to judge of the subject, that the great grievance complained of after impressment was, the unlimited service to which the seamen were exposed during war—the period was formerly twenty-one years. Upon that it was unnecessary for him to enlarge; it was well known to be the great cause of mutiny, from the time of the mutiny at the Nore downwards. That grievance the Bill remedied by the first Clause, which enacted that, unless by special agreement, the term of service should be five years, and that, at the end of that term the seaman shall be entitled to his discharge. A further complaint was, that the seamen were never certain when they should get off and go home to their families, inasmuch as they were liable, the moment they were discharged from any ship, to be pressed again into another. That complaint was, unfortunately, but too well founded; and there were instances of men, on returning from ten years' service in the East Indies, having been immediately sent out again. Under such circumstances, it was not unnatural that there should exist a strong desire, on the part of the seamen serving in the Navy, to desert, in order to guard against which it had generally been the practice not to allow them to put foot ashore. It was provided by the Bill, that, after the expiration of the five years' service, seamen should enjoy a protection against impressment for two years. In the event of a seaman's period of service expiring on a foreign station, the commander on that station would be at liberty to retain him in service six months longer, but in that case he would be entitled to one-fourth additional pay. The remaining Clauses were merely matter of detail. The improvements of the Bill were so obvious that he did not think it necessary to dwell upon them at greater length. It left the power of Impressment as it at present existed, dependent on the prerogative of the Crown; it remedied the great evils complained of by the seamen in the King's Service, viz., the unlimited term of service, and the uncertainty of returning home; and being perfectly willing to explain, if necessary, any further details, he begged leave to submit the Bill to the consideration of the Committee.

Mr. *Buckingham* said, that he should trouble the House with but few observations; and these would be chiefly expressions of congratulations and of praise. Those hon. Members who knew the deep interest which he had taken in the Question of manning his Majesty's navy without recourse to impressment, and the Motions which he had brought before the House in the two preceding Sessions on this subject, would readily believe him, when he said that he had watched the progress of this Bill with intense anxiety. When it was first introduced into the House by the right hon. Baronet, the Member for Cumberland, and late first Lord of the Admiralty, (Sir James Graham) it contained so much that was objectionable that he felt it his duty to state his determination to oppose it. In its original shape, it was a Bill professing to offer new inducements to voluntary enlistments, but under that title, really enacting impressment, and giving to that revolting practice all the sanction of a statutory power, which it never yet had, and which he hoped it never would possess. Even when the Bill was transferred from the hands of the right hon. Baronet to the present Government, he (Mr. Buckingham) felt it his duty to declare that unless purged of these defects, he should still feel bound to give it his decided opposition, whether moved by the Government or by any private individual; because he never would for a moment consent to such an enactment as would give to impressment a statutory recognition as a part of the law of the land. Since the Bill, however, had been in the hands of the present Government, he was bound to say, and it gave him great pleasure to bear this testimony, that they had evinced the most anxious desire to meet the wishes of himself and other hon. Members who co-operated with him in maintaining the just rights of the British seamen. In this spirit of generous and liberal concession, all those parts of the original Bill which went to enact impressment as a lawful power, and give to it the force of statutory authority, were expunged, to such an extent that the Bill did not now contain more than one half of the clauses which were embodied in it; and indeed it was now, what it had never been before, a Bill of encouragements, bounties, protections, and inducements, corresponding to its preamble and its title as a Bill to encourage the voluntary enlistment of seamen for his Majesty's Navy; and which, he firmly believed, would if acted upon in the spirit as well as the letter, render impressment wholly unnecessary in any conceivable case, for the purpose of obtaining the requisite supply of men. The hon. Gentleman, the present Secretary of the Admiralty, had thought it his duty to state to the House that though the Government had consented to expunge all those clauses which either authorized or warranted impressment, he himself still entertained the opinion that impressment was a legal power vested in the Crown, as a prerogative to be used only in cases of the greatest emergency, and that though he was most anxious to do every thing which should render it unnecessary ever to have recourse to that power, yet he was unwilling to part with that power for cases of great emergency, until some tried and efficient substitute should be found for it. If these were the convictions of the hon. Gentleman—and he (Mr. Buckingham) saw no reason whatever to doubt their sincerity—then it must be clear to the House, that the concessions which he had made in expunging every part of the Bill which either authorized, or warranted, or recognized impressment, were the more valuable and the more deserving of praise. In the same spirit of frankness, however, he (Mr. Buckingham) felt bound to state to the House his unaltered conviction that impressment was as illegal as it was cruel; and that its injustice was not more manifest than its utter inefficiency to produce the end desired was capable of being made manifest. As, however, the Bill before the House did not contain even the word impressment, and made no allusion whatever to the practice, (though the former Bill began with declaring it to be the law of the land, and conducive to the honour and welfare of the country, which he most strenuously denied), so he thought it quite unnecessary to raise that question for debate at the present moment. He was willing to meet the Government in the same fair and conciliatory spirit, in which it had met him: and to let the prerogative rest, for the present at least, as a dead letter, in order to see how the system of bounties, inducements, and rewards would operate; and in order to pave the way for that system of perfect registration, and ballot, or service by rotation, which might be engrafted upon it, to be had recourse to when voluntary enlistment might fail; and to the consideration of which the Government had now publicly pledged themselves to devote their attention during the recess. He was convinced, indeed, that impressment never could be resorted to again, either afloat or on shore, without being resisted by seamen and landsmen alike; and therefore it was that he hailed as a national advantage every step taken towards providing other and better means of manning the fleet. The Bill before the House was, he firmly believed, a sincere and honest attempt to provide such means. He was, therefore, perfectly willing to give it a fair trial; and, indeed, he should consider himself a most unreasonable person if he were not satisfied with this. But though he gave this measure of relief and reward to the seamen his most cordial and unqualified praise, and should rejoice as much as any man to see it passed into a law, he would venture at the same time, in the most friendly spirit, to urge on the Government the importance of following out their declared intentions, by devoting themselves during the recess, to the consideration of the system of registration and ballot, so that the period of peace might be advantageously occupied in preparing a system that should make us ready to meet war, if that calamity should ever again occur, so that impressment might never more be heard of, except as among the records of the history of the past.

Mr. *Aaron Chapman* said, that he had seldom been more gratified than by hearing the provisions of the Bill described. The permission to return home would reconcile men to the service. Impressment might be necessary on the sudden breaking out of hostilities; but the encouragement which this Bill held out to sailors would induce them to come forward voluntarily and enrol themselves in the defence of their country.

Captain *Alsager* said, that having been engaged in the merchant service for thirty years of his life, he might presume to say that he knew something of the feelings of British sailors, and he begged to express their gratitude for the benefits which the Bill held out to them. At the same time he could not but regret that the power of impressment had not been entirely abolished. He had known instances in which that power had been harshly exercised. Upon occasion when he entered the Channel, homeward bound, after a long voyage, he was boarded by a king's ship, who took from him four men. When off the Lizard another man-of-war boarded him and took away four more men; and when off Beechy-road he was boarded for the third time by a king's ship, who took from him every man capable of serving in the navy, and the captain, on leaving him, advised him (as we understood) to make the best of his way into port. Thus was he left with a crew consisting of only a few men and some boys to conduct into port a vessel worth 150,000*l.* It would be most desirable to introduce, if possible, some provision into the Bill to prevent the recurrence of such a proceeding as that which he had described.

Captain *Berkeley* said, that if any officer on board his Majesty's navy had acted in the manner described by the hon. Member, he was liable to be tried by a Court-martial, as well as to an action from the owners of the merchant vessel. He did not believe that such a circumstance as that stated was ever known.

Captain *Alsager:* I rise to order. The circumstance happened to myself. The commander of the king's ship was Captain Page, and his vessel the Caroline. I was coming from the East Indies.

Captain *Berkeley* said, he did not mean to impugn the veracity of the hon. Member, but merely to deny that such proceedings were common on the part of naval officers.

Sir *Thomas Troubridge* concurred in what had fallen from the hon. Member who had spoken last, and added that it was not the practice for captains in the command of his Majesty's ships of war to distress merchant ships, and he was satisfied that the case related by the hon. Member for Surrey (Captain Alsager) must have occurred under very peculiar circumstances.

Clauses were agreed to, and the House resumed.

## HOUSE OF LORDS,

## *Thursday, July* 9, 1835.

MINUTES.] Bill. Read a first time:—Irish Linen Trade. Petitions presented. By Lord DYNEVOR, from the County of Carmarthen, for the Adoption of Poor-Laws (Ireland).

BREACH OF PRIVILEGE.] The Earl of *Limerick* said, that he should take that opportunity of calling the attention of their Lordships to an article which had appeared in one of the public prints of this country, and which had most severely and most unjustly reflected upon his character. He alluded to *The Morning Herald* of the 7th inst., which contained in a leading article the remarks of which he now complained. The observations which the editor of that print chose to make were ushered in with the most solemn introduction in the following manner:—"We entreat the attention of the Legislature and the public to the following article, which we copy from *The Star* Irish newspaper." The noble Earl then read the article which was in the following terms:—"We beg to call the attention of our readers to a most important article, copied into our columns from the London *Morning Herald,* relating to the state of the starving poor upon the Earl of Limerick's property. We can bear witness to the truth of the heart-rending description given by the London editor of the state of the poor in St. Mary's parish; and further the very last human being that died in that parish, from absolute starvation, was a tenant of the Earl of Limerick." It was quite true that he happened to be in possession of a considerable portion of ground on which the city of Limerick was built, but his property there was leased out to a number of persons, and by these persons had again been leased out to others, for whose conduct or condition it was impossible that he should be answerable. He knew nothing of the particular instance here referred to, but supposing it true, he asked whether any one imputed blame to the person who happened to be the proprietor of St. Giles's for the poverty or misery or the deaths that might happen there? The paragraph thus proceeded: "To that Nobleman who so recently stated in Parliament that there was no real case of distress in Ireland that did not meet instant relief." He had stated no such thing. He did not believe that in any country whatever was instant relief afforded in all cases of distress. He said, and he now repeated, that notwithstanding all the horrors sometimes exhibited in Ireland, there was no country in which there existed among the people more kindly and charitable feelings, greater attachment to their families and children, and greater readiness to relieve the wants of the poor. "This occurred within a few weeks, and as our object is at present to confine ourselves to this one fact, though hundreds of similar instances might be adduced, we shall, if its correctness be for a moment doubted, give the name of the unhappy sufferer. It may be asked, why allow such scenes to occur on his property without applying to the Earl of Limerick, who it might be supposed would relieve this case of real distress?—we answer, that whenever such applications were made to the humane Earl," (a very complimentary phrase, as their Lordships would see) "he has not had the condescension even to answer the letters however respectable the medium might have been through which such applications were made." Now, the only real fact in all this was, that he did receive one letter from the parish priest, of so atrocious and daring a nature, that he treated it with the contempt it deserved. He should now proceed with *The Morning Herald.* "Can this, we ask, be true of the Nobleman who would have us believe that no case of real distress occurs in Ireland that is not immediately relieved? We will at once place the noble Lord on the horns of a dilemma from which there is no escape. He either is or is not aware of the state of things on his own estate. If he is aware of it, we can only hope, looking at his conduct as a landlord and a legislator, that in the whole dominions of his Majesty, an imitator, or defender, or even apologist for it, cannot be found." On his word, the public press was a most tyrannical tribunal. There was a time when such an imputation on a Member of their Lordships' illustrious House would have been severely punished. "If he be not aware of it —if he be not thus totally ignorant even of the situation of his own estate, wilful though that ignorance be—if the article which we quote be correct, how can he rise in his place in the House of Lords to speak from actual knowledge, derived from years of residence, as to the state of Ireland generally? We give him the choice of these positions, and we cannot envy him the opinions which the world will form of the course he has pursued towards his unfortunate and deserted countrymen. If he imagine, however, that he can persuade the people of England to let their fellow subjects in Ireland starve unpitied, without an arm stretched forth to save them, he is mistaken. Through the medium of the press public opinion shall force their oppressors to do them justice, and our most strenuous exertions shall not be wanting in a cause which we have long looked upon as sanctified by every feeling of humanity and religion." Here was a stroke made at the freedom of debate in their Lordships' House. Their Lordships' were not to be allowed to utter their opinions in that House, without being called to a severe account by the public press of this country. He was no enemy, but a friend of it, in restraining it from making these wanton attacks on the characters of individuals. It was not his wish to close his observations by moving to call to the Bar of the House the printer of the paper; he should pursue another course. He had applied to his legal advisers to inform him whether these paragraphs were really libellous; and if they should inform him that the paragraphs were so, he could assure their Lordships that neither trouble nor expense should prevent him from prosecuting these libellers of his character.

Subject dropped.

CERTIORARI BILL.] Lord *Brougham* moved the second reading of the Certiorari Bill. He said that he had been requested by his noble and learned Friend to take charge of the Bill during his absence. As this was the proper stage for the discussion of the principle of the Bill, he should state, for the information of such of their Lordships as had not been present on the former occasion, what the law now was, and what were the alterations proposed to be introduced by the present Bill. At present the prosecutor of an indictment could remove it, as a matter of course by a *certiorari;* the consequence of which was, the record of the indictment was carried from the inferior jurisdiction into the Court of King's Bench, and became a record of that Court; and instead of being tried by Magistrates at the Quarter Sessions of the county, it was tried by one of the learned Judges at the Assizes, or by writ of *Nisi Prius* in the Court of King's Bench itself. The prosecutor had this advantage, that he might take this step as a matter of right, and without giving any opportunity to the other party to resist the removal of the indictment. One of the consequences of this however was, that great delay might be occasioned, and the indictment might be kept hanging over the head of the defendant for a very considerable period; and another was, that considerably increased costs were incurred, though for this latter disadvantage the Court possessed the power of affording the defendant some remedy by making the prosecutor liable for the increased costs. The first remedy that the

Bill proposed for the evils of the present system, was to put an end to the right of the prosecutor to remove the indictment as a matter of course. The defendant had no such right; if he wished to remove the indictment he must satisfy the Court that there were points of law which could not satisfactorily be decided before the justices at sessions, or that there was some other sufficient cause why the proceedings should be removed. Upon the subject of the removal of indictments there was a statute passed in the reign of William and Mary, regulating the proceedings thereon, and limiting the recognisances to be given by the defendant to the sum of 20*l.* so that this mischief often happened, that a defendant escaped altogether from justice. Preparatory to his being put upon his trial, on a bill found against him at the sessions, a defendant might be bailed, and the committing Magistrate had the power of ordering a defendant to find bail, himself in the sum of 200*l.* and two sureties in the sum of 100*l.* for his appearance. The moment he removed the indictment, the Statute of William and Mary applied, and the bail was limited to 20*l.* The original recognisances were vacated by the grant of the *certiorari*, so that instead of the Court having a tie upon the defendant to the amount of 400*l.*, under circumstances where the Court ought to have a greater tie upon him than ever, the amount of security he gave was only 60*l.* He had some doubts in his own mind whether, even as the law now stood, the Court might not, when the indictment was removed by him, impose on him certain conditions, in the same manner as the Court could impose on the prosecutor conditions as to costs. However, it was better to make the law certain in this respect, and exactly to define the powers of the Court. The great defect in the law upon the subject had not escaped the observation of the learned Commissioners appointed to examine into the state of the law. It was now proposed that the Bill should be read a second time, and his noble and learned Friend (Lord Denman) proposed to move certain amendments in Committee; that the Bill should be printed with the amendments, and, further considered, with a view of incorporating in it the recommendations of the Law Commissioners.

The Duke of *Richmond* offered his best thanks to the noble and learned Lord who had just spoken, and to the noble and learned Lord now absent, for having so promptly taken into consideration the suggestions he had ventured to make. He hoped that he should not be thought to be asking too much, if he expressed a wish that the Bill might be extended to the practice of taking bail in other cases. By one of those Acts which were known as Peel's Acts, the Magistrates had not the power of bailing, unless there was some doubt of the party's guilt. The effect of this was, that if a man was brought before a Magistrate charged with some small offence, he must be sent to gaol, and kept there, though the Magistrate would otherwise be willing, if the law allowed him, to take bail for the offender's appearance. The object of taking bail was to have a security for the appearance of the offender. There could be none of their Lordships who had not observed the increase of juvenile offenders of late years, and the increase of prosecutions since the costs of them had been paid out of the county-rates. On last Thursday he was at the Quarter Sessions of Sussex, where there were eighteen prisoners. One of the cases was that of two lads who had stolen three mackarel, value 9*d.* The Magistrate was obliged to send these lads for a considerable time to prison before trial, because he had not the power to take bail. He wished that power should be granted to the Magistrate to take security for the party's appearance if he thought fit. Another of these eighteen cases was that of two lads who were indicted for stealing one or two gallons of their master's cider. They broke open the door of the cellar, which constituted the felony. The prosecutor, in a moment of irritation, took them before a Magistrate. The lads got drunk with the cider, and they told their master what they had done, but he having taken them before a Magistrate, the latter was obliged to send them to gaol. His object was not to permit a man to be kept in prison if his attendance could be secured by other means; he, therefore, suggested whether it would not be expedient to extend the power in Peel's Acts so as to enable the Magistrates to take bail in cases of felony. At present the man who made the best atonement in his power, by confessing what he had done, and expressing his regret for it, was in a worse situation than the rascal who denied his guilt to the last moment. He wished to alter this system.

The Bill read a second time.

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## HOUSE OF COMMONS,

*Thursday, July* 9, 1835.

MINUTES.] Bills. Read a first time:—Glasgow University. Read a second time:—Stamp and Tax Office.

Petitions presented. By Lord JOHN RUSSELL, Mr. RIGBY WASON, and others, from various Places, in favour of Municipal Reform.—By Mr. C. BULLER, from Bradford, for Repeal of the Stamp Duties on Newspapers; and from Canterbury, to provide in the New Corporation Bill, against Leases granted by the Old Corporation.

MANURE—EXEMPTION FROM TOLLS.] A Bill to exempt Manure from paying Turnpike Tolls was read a third time.

Mr. *Halford* felt it his duty to move the Amendment of which he had given notice, with respect to draining tiles. He was the more encouraged to persevere in it, because he believed it would tend to the relief of the agricultural interests. He moved, that in the first Clause, after the words "Manure for land," the words, "or draining tiles, for agricultural purposes," be introduced.

Mr. *Hume* denied that this was a Bill for the relief of the agricultural interests; but it was intended to remedy the defects in the existing laws. Generally speaking, the tiles were given by the proprietor, and the tenant had only to place them, and could have no objection to pay Toll for them.

The House divided on the Amendment: Ayes 31; Noes 32; Majority 1.

*List of the* AYES.

Barneby, J.
Beauclerk, Major
Bell, M.
Bethell, R.
Blackburne, J. J.
Buller, Sir J. Y.
Charlton, L.
Dilwyn, L. W.
Duffield, T.
Duncombe, H. W.
East, J. B.
Egerton, Sir P.
Egerton, W. T.
Elwes, J. P.
Foley, E.
Goring, H. D.
Grimston, Hon. E.
Halford, H.
Hodges, T.
Hodges, T. L.
Kearsley, J. H.
Lawson, A.
Mackinnon, W.
Mangles, T.
Palmer, R.
Perceval, Colonel
Scott, Sir E.
Sheldon, E.
Somerset, Lord G.
Turner, W.
Wilmot, Sir E.

TELLERS.

Compton, H. C.
Trevor, Hon. A.

The Bill was passed.

COUNSEL FOR PRISONERS.] Mr. Ewart moved that the Counsel for Prisoners' Bill be read a third time.

Colonel *Perceval* said, he should enter his protest against this Bill, as he considered it most mischievous in its tendency. Indeed he could not see that it would be in the slightest degree advantageous to the unfortunate prisoners; and he was convinced that it would only benefit pettifogging attorneys, while it would double and even treble the county rates all over England.

Sir *Eardley Wilmot* said, he would not propose the postponement of the Bill until that day six months, nor did he think that the Bill would only benefit pettifogging attorneys, though he admitted that it might have the effect of increasing the county rates; but that was not his objection to it. He objected to it because he thought, except in capital offences, it would be an injury, and not a benefit to the prisoner, notwithstanding all that had been urged to the contrary. When he recollected that more than one-half of our prisoners for trial were mere children, and that there were very few capital cases, he could not see what advantage would arise from having four speeches on every trial. He had just come from a Quarter Sessions, at which one hundred prisoners were tried, two-thirds of them being under age, some under twelve, and others nine years old. He was perfectly certain that the Bill would be impracticable, if the Judge had to sift the chaff from the corn, and unmystify the speeches of the Counsel, by directing the Jury to the common sound sense of each case. Counsel would do their best to get an acquittal without reference to truth or justice, and no Judge in the country possessed physical and mental power equal to the task. Make the Bill to apply to capital cases only, and increase the number of Local Courts; and he thought it might be beneficial, but not else. He, therefore, protested against the Bill in its present shape; because it would be productive of serious injury to prisoners, and those hon. Gentlemen who supported it would be the first to make the discovery.

Mr. *Goring* reminded the House, that this Bill appeared again before them in the shape in which they rejected it last Session; and, therefore, without trespassing further on the time of the House, having stated last Session his reasons for the course he took, and was now about to take, he would move that the Bill be read a third time this day six months.

Mr. *Cripps* thought that the House ought to pay very great attention to the observation of the hon. Baronet (Sir E. Wilmot), after the experience he had

had on this subject at the Quarter Sessions of Warwickshire. He (Mr. C.) was precisely of the same opinion as the hon. Baronet. It was said, that Judges who tried prisoners did not really act as Counsel for them. Now he could state, that he had never seen an instance in which the person presiding in a Court of Justice, whether he were a Judge of the land or a Chairman of the Sessions, that did not consider himself Counsel for the prisoner, and who did not consider it incumbent to enter into every point that tended to exculpate the prisoner. This had always been his practice. In point of expense, also, this Bill would operate exceedingly hard upon the counties. The hon. Baronet had referred to the number of juvenile offenders; and he could assure the House, that the number was astonishing, and was increasing in a formidable degree.

Sir *George Strickland* supported the Bill. It was an act of tardy justice and mercy; for he considered it nothing more. If the Bill went to do justice in the capital case, why not extend it to all inferior cases? But then came a most formidable argument that this Bill would occupy so much of the time of the Courts of Justice. They were, therefore, to inflict imprisonment, perhaps transportation, because it would occupy too much of the time of the Judges and Magistrates at Quarter Sessions to inquire into the cases brought before them. He did not believe that such an argument could be sincerely stated by any Member of the House. It was always a matter of astonishment to him that they should have gone on so long with the present system. Every person who attended Courts of Justice in England—there were many Counsel present —he appealed to them, he appealed to the late Attorney-General, the Member for Northampton (Sir F. Pollock), who, in a speech full of argument and good feeling, supported this Bill, every person who attended our Courts of Justice, like the hon. and learned Gentleman (Sir F. Pollock) felt shame at the exhibition he witnessed. The hon. and learned Gentleman had stated that opinion, and he had only expressed the general opinion coming from such an authority, which he hoped the House would agree with him was a high one; he would say that he would take no shame to himself for supporting this Bill, which he hailed as an act of tardy justice, to enable prisoners to make a defence in a Court of Justice.

Sir *E. Wilmot* explained—During twenty-nine years that he had attended the Sessions, he had known hardly a case in which any statement whatever was made against the prisoner by Counsel. The practice always was, the instant the Jury was sworn, to call witnesses. If a speech were made on the part of the prosecution, he would allow a speech to be made for the prisoner. He did not use the loss of time as an argument—he did not care whether he sat a week or twelve months; but his opinion being that it would make against the prisoners, he used the argument of taking up the time of the Court as auxiliary to his other argument.

Mr. *Lennard* said, that, with all respect for the opinions of those who thought that to allow prisoners to have Counsel would do them no good, he begged to say that their opinions were more than balanced by opinions equally worthy of attention on the other side. Mr. Justice Blackstone had stated, that it was a most cruel thing to deprive prisoners of Counsel, especially in cases affecting their lives, and that statement had been borne out by what had since taken place. He knew an instance—he spoke on the representation of the late Attorney-General (Sir F. Pollock) where two persons were ordered for execution, one was reprieved and the other executed, and Sir F. Pollock stated that he had no hesitation in saying that if the person executed had had Counsel he would have been reprieved also. It was said that benefits resulted to the prisoner from the present system; that argument to him was incomprehensible. It had been said, that the Judges were the Counsel for the prisoner; in his opinion, no fallacy was more glaring. How could the Judge be the prisoner's Counsel? He had no access to him; and how, therefore, could he ascertain what were the answers the prisoner made to the statements against him? There had been a return laid before the House of the number of cases that had been brought before his Majesty in Council; from that return it appeared that out of forty cases, there were fifteen in which the sentence of death had been remitted. It was only in London that cases were submitted to the King in Council; and what would have been the effect had not those cases been carried before the King in Council? Why the prisoners would very probably have been executed. In cases of murder, it was the common practice to execute the prisoner forty-eight hours after his sentence; and, therefore, as regarded country cases in particular, the prisoner would be executed before the circumstances of his case could be represented in the proper quarter. In the country, prisoners accused of murder were generally tried on Friday. The facts and circumstances of their case could not, therefore, generally be represented in the provincial papers, by which some facts might be elicited and others explained so as to influence the mind of his Judge and alter his sentence. A prisoner being deprived of that advantage, he ought to be allowed to have persons of talent and experience to advocate his cause. He gave his hearty and cordial support to the Bill.

Mr. *Mackinnon* must complain that the hon. Member had omitted, in the observations which he had made, to state, that in cases where the prisoner had no Counsel, the Judge was to act as his Counsel. His objection to the Bill was, that it gave the rich man an advantage over the poor man. With regard to the fourth Clause, which provided that persons accused before Justices should be assisted by Attorney or Counsel, he considered it most injudicious. He would put the case of a person brought before a country gentleman not very well versed in the law. If the accused were a rich man he could employ able Counsel; and he appealed to that House, if he would not have, in such a case, a decided advantage over a poor man, brought before a Magistrate under the same circumstances, and who was unable to fee Counsel. He gave the hon. Member due credit for the humane motives which had prompted him to bring in this Bill.

Mr. *Poulter* said, that instead of the present Bill, he had hoped that the hon. Member for Liverpool would have introduced one for allowing prisoner's Counsel to reply in cases where Counsel addressed the Jury. He thought the present Bill was likely to be injurious to the cause of justice. He had spoken to the late Attorney-General relative to the case of a man who had been executed for murder, heretofore alluded to as a case of doubt. The man was last seen in company with an elderly person whose skull had been fractured. The late Attorney-General had said that his impression was, that the fracture had been accidental, but this was not an authenticated case of innocence; it was merely a surmise that such had been the case, and there was no proof that any arguments that could be used by Counsel could have saved the prisoner. He believed that if any circumstances came out after the trial, which would warrant the interference of the Crown, his Majesty would be advised to grant pardon. Such was the humanity of the principle upon which the criminal law was based; and although, in the lapse of ages, and in the infirmities of our natures, some mistakes might occur, he thought the present Bill did not provide an adequate remedy for any defects that might exist. This was not to be treated as a common Parliamentary discussion—it was a philosophical discussion of a very important nature, and which he believed was not very well understood by the country generally. He conceived that the Bill would prove to be very disadvantageous to the ends of justice, and therefore he would oppose it.

Mr. *Hardy* said, that he could not agree in what had fallen from the hon. and learned Member (Mr. Poulter.) He had had much experience in criminal cases, and in many, very many of them, he would have been exceedingly glad to hear the opinions of Counsel upon them. The Judge was considered, and was in fact, Counsel for the prisoner; but that was only so far as to see that the proceedings against him were all conducted, including the verdict found, according to law. Of what use, then, would Counsel be to a prisoner, if he were not allowed to do more than the Judge was now obliged to do? He should like very well to know upon what grounds the hon. Member opposed this Bill. Was it because there would be a greater waste of time than at present? If so, that ground of opposition would extend to all cases of misdemeanor, some of which were of a very aggravated nature, much more so than many cases of felony. He contended that, by allowing Counsel to prisoners, they would actually save a great deal of time, for then there would be no occasion for long cross-examinations, which were entered into for the mere purpose of affording, in the shape of the questions, an opportunity to Counsel to open as much of a case as they were allowed to do by the Judge. Nor would there be many of those objections taken, which were now taken for the purpose of addressing the Jury, through the appearance of arguing a point of law. He thought it a most humiliating thing that a prisoner should be told that his Counsel could not speak for him in his defence; thus tantalizing a poor man who perhaps never before had to express himself before any body of men. The poor man might as well save himself the expense of Counsel. He hoped that this House would agree that this anomaly in the law of England should be destroyed.

Mr. *Charles Buller* admitted the force of some of the arguments directed against the details of the Bill, but he thought the principle of the Bill remained undisturbed. Indeed, there were some Clauses —that for allowing four speeches on each trial, and another for allowing Counsel to appear before Magistrates—that would, in his opinion, prevent the working of the Bill, and it would, therefore, be better to omit them. The present Lord Chief Justice (Lord Denman) who had had as much experience, as a lawyer, an advocate, and a judge, as any other legal authority, had declared himself in favour of it. The last to whom he should refer was one who, from his greatness as a lawyer, and from the circumstances under which his opinion was given, was deserving of attention, and he was, also, one of the greatest ornaments of the English Bar; he alluded to the present Lord Abinger, who came down to the House and said that he had hitherto opposed the Bill; but he was convinced, upon mature deliberation, that it ought to pass, and, upon that occasion, he gave it his hearty support. He did not wish to enter into the merits of the Bill, but he thought it really too hard that hon Members should describe this Bill as injurious to prisoners because it would allow Counsel to defend them in a proper manner. He thought it was one of the great merits of this Bill that Counsel, instead of bothering the witnesses, and insinuating the greatest absurdities in cross-examination, would be obliged to make a plain, straightforward address to the Jury upon the clear facts of the case.

Mr. *Edward Buller* thought that if the Counsel on both sides were allowed to make speeches, the mischief would far outweigh the benefit. It appeared to him that, upon the whole, prisoners, at present, were under no unfair disadvantage. The speech against them was generally confined to a plain statement of facts. The Judge found it his duty to point out to the Jury any doubts that might arise, and the prisoner had the benefit of those doubts. Thus the prisoner, at present, had the advantage of every doubt construed in his favour. He much doubted whether Counsel would be of any advantage to the prisoner. Feeling as he did that the advantages that might arise from this Bill would not adequately compensate for the great increase of expense it would occasion, he felt bound to oppose it.

Sir *Charles Burrell* admitted that the hon. and learned Members of that House, generally speaking, supported this Bill; but he was well informed by members of the profession out of the House, that the generality of them entertained a very different opinion—that they were hostile to the alteration as proposed by this Bill. At the Courts of Quarter Sessions, he had invariably seen the Chairman direct the prisoner to put any questions he pleased to the witnesses as soon as his testimony was given; and where, from want of capacity or indisposition, prisoners did not avail themselves of this power, the Chairman himself and the Magistrates questioned witnesses. He could state many instances in which prisoners were disposed to plead guilty; on those occasions the chairman invariably cautioned the prisoner against so doing, and induced him to withdraw his plea, and to put himself upon his trial; and this sometimes with advantage to the prisoner. He was of opinion that this Bill would operate unfairly between rich and poor. On every occasion the rich would be sure to have Counsel, whilst the poor would have Counsel against them, and would thus labour under greater disadvantage. Another point was, that where there was a doubt fairly entertained in a case of felony, the Judge invariably applied to his Majesty to alter the sentence, and such applications were invariably attended with success. To say, therefore, that the prisoner had not the benefit of the Judge, or Chairman of the Quarter Sessions, as Counsel, was to say that which was not founded in fact. If, through human error, a person were found guilty who was not so, it must be remembered that hundreds of felons had escaped who were really guilty. He thought the Bill unnecessary, and should therefore oppose it.

Mr. *Ruthven* supported the Bill, thinking that, in all cases where accused of crime, the parties ought to have the best means of defence. It was said that the Judges were Counsel for the prisoners; that might be so, but they were Counsel for the Crown also. It was impossible that a Judge could be a good Counsel in all cases that came before him; and the object of the present Bill was to furnish a better, and to give to every man accused of crime the best mode of defending himself, and without that it was impossible he could have a fair trial.

Mr. *Nicholas Fitzsimon* thought that it would be extremely injudicious to allow prisoners brought before Magistrates Counsel and Attorneys to defend them.

Mr. *Ewart* regretted that the hon. Member would not withdraw his Amendment. He had been called upon to show ground for this Bill by facts; but they had been stated in very considerable number by the late Attorney-General (Sir F. Pollock), by the hon. and learned Member for Dublin, and by the late Member for Hull. The Amendments suggested now had already been proposed in the Committee, and upon a division they had been rejected. Under these circumstances he hoped the House would now permit this Bill to be read a third time.

The House divided:—Ayes 43; Noes 36; Majority 7.

*List of the* AYES.

Baines, E.
Beauclerk, Major
Blamire, W.
Bridgman, H.
Buller, C.
Cave, O.
Curteis, Captain
Dobbin, L.
Duncombe, Hon. W.
Dykes, F. L. B.
East, J.
Elphinstone, H.
Etwall, R.
Finn, W. F.
Fitzsimon, N.
Fleetwood, H.
Grote, G.
Hardy, J.
Harland, W.
Heathcote, J.
Hindley, C.
Lennard, H. B.
Macnamara, Major
Mangles, J.
O'Loghlen, Sergeant
Parrot, J.
Pease, J.
Pechell, Captain
Pelham, Hon. C.
Potter, R.
Power, J.
Ruthven, E. S.
Strickland, Sir G.
Sullivan, R.
Talbot, J. H.
Thornley, T.
Trelawney, Sir W.
Trevor, Hon. A.
Wakley, T.
Warburton, H.
Williams, W.
Wrightson, W. B.
Wyse, T.

TELLERS.

Ewart, W.
Talfourd, Sergeant

*List of the* NOES.

Barneby, J.
Bramston, T. W.
Bethell, R.
Buller, Sir J. Y.
Buller, E.
Burrell, Sir C.
Cripps, J.
Chisholm,——
Dilwyn, L. W.
Duffield, T.
East, J. B.
Egerton, T. W.
Egerton, Sir P.
Elwes, J. P.
Fleetwood, Hesketh
Forster, Hon. G.
Goring, H. D.
Grimston, Hon. E. H.
Hodges, T.
Kearsley, J. H,
Lincoln, Earl of
Lowther, Viscount
Lowther, Hon. Col.
Lawson, A.
Matthew, Captain
Perceval, Colonel
Pelham, C.
Patten, W.
Ross, C.
Sheldon, E.
Somerset, Lord G.
Turner, W.
Williams, Sir J.

TELLERS.

Wilmot, Sir E.
Mackinnon, W. A.

Bill read a third time.

A second division on an Amendment to give the Counsel for the accused the right of reply, if the Counsel for the prosecution reply, the numbers were

Ayes 39; Noes 38; Majority 1.

*List of the* AYES.

Baines, E.
Baldwin, Dr.
Beauclerk, Major
Blamire, W.
Bridgman, H.
Cave, O.
Dobbin, L.
Dykes, F. L. B.
Elphinstone, H.
Etwall, R.
Finn, W. F.
Fitzsimon, R.
Fleetwood, H.
Grote, G.
Guest, J. J.
Harland, W.
Heathcote, J.
Hindley, C.
Lennox, Lord G.
Macnamara, Major
Mangles, J.
O'Loghlen, Sergeant
Parrot, J.
Pease, J.
Pechell, Captain
Pelham, A.
Potter, R.
Power, J.
Ruthven, E. S.
Strickland, Sir G.
Sullivan, R.
Talbot, J. H.
Talfourd, Sergeant
Thornely, T.
Wakley, T.
Williams, W. A.
Warburton, H.

TELLERS.

Ewart, W.
Lennard, B.

Amendment agreed to.

A third division took place on an Amendment giving persons when charged with offences, in all cases where the Magistrates have a summary jurisdiction, the right to employ Counsel or Attorneys to defend them.

Ayes 43; Noes 42; Majority 1.

*List of the* AYES.

Baines, E.
Baldwin, Dr.
Beauclerk, Major
Blamire, W.
Bridgman, H.
Cave, O.
Curteis, Major
Dobbin, L.
Dykes, F. L.
Elphinstone, H.
Etwall, H. G.
Finn, W. F.
Fleetwood, H.
Gordon, R.
Grote, G.
Harland, W. C.
Heathcote, —
Hindley, C.
Jephson, C. D. O.
Lennard, B.

Macnamara, Major
Mangles, J.
O'Loghlen, Sergeant
Parrot, J.
Pease, J.
Pelham, Hon. A.
Potter, R.
Power, J.
Power, P.
Ruthven, E. S.
Sullivan, R.
Talbot, J. H.
Talfourd, Sergeant
Thorneley, T.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W. A.
Williams, Sir J.
Wyse, T.

TELLERS.
Ewart, W.
Strickland, G.

PAIRED OFF.
Maule, Hon. F.

Amendment agreed to.
The Bill was passed.

CORPORATION REFORM—COMMITTEE.] House in Committee on the Corporation Reform Bill.

Lord *John Russell* said, he had some alterations to propose in the Schedules with regard to several of the places which they contained, but they were not of a very important character. With respect to one borough (Malmesbury), he proposed striking it out of the Schedules altogether, its population being principally of an agricultural character, and especially as he found that under a Local-act there existed rights of inheritance with which he did not think it right to interfere. He considered it better to reserve that borough to be classed with various others, not included in the schedules, for any separate Bill which hereafter Parliament might think proper to introduce. There were also some alterations which he should find it necessary to submit with respect to the number of Councillors. He did not think it desirable that the precise number for each borough should be definitively settled by the Bill; towns being divided into wards, and a specific number of Councillors being required for each, there might arise in some cases considerable inconvenience in providing fit and proper persons to undertake the office. The Privy Council should, therefore, he thought, have the power of fixing the number of Councillors at twelve, sixteen, twenty-four, thirty, or more, according to the condition of individual boroughs. The noble Lord in conclusion moved that Aberystwith stand part of Schedule A.

Mr. *Scarlett* rose to move the Amendment of which he had given notice, to exempt from the operation of the Bill all boroughs to which it was proposed by the schedules to give thirty Councillors, the population being, as he thought, too large for the Bill to be advantageously applied in such cases. The Legislature, in his view, ought to take another opportunity of considering what regulations it would be proper to apply to them. He was extremely unwilling to occupy the time of the House with anything which could fall from so unimportant an individual as himself, and yet he did not think that any apology was required of him for not at once consenting to a Bill, the necessary effect of which would be, in his opinion, to disfranchise the greatest part of all the Corporate Towns in England and Wales. He thought he did enough to satisfy any reasonable Reformer when he consented to pass such a Bill as this, as far as it applied to small boroughs, where it would be much less objectionable than in more extended constituencies. He very much feared they had long ago forgotten the maxim of Lord Bacon, that time was the great innovator, and that they ought to innovate, like time itself, slowly and imperceptibly. He did not think that the application of the Bill to the great towns in England would effect the end which its framers and supporters professed to have in view—a more pure, honourable, and peaceful system of borough government. In small towns it might work well enough, but in large towns and cities it would, he had no doubt, occasion great confusion, without leading to either purity of election in officers, well-ordered administration of justice, economical management of the Corporate funds, or the general satisfaction of the respectable part of the community. He addressed himself, to those who thought with him, that the country was already staggering under the weight of a Democracy, the power which was greatly extended by the Reform Act; and he was persuaded that if this Bill were carried into operation in the great towns, it would very much add to the force which the Democracy had already acquired, the consequence of which would be, that the balance of the Constitution would not in any degree be preserved. In the first place, it appeared probable that those who possessed power, would be changing continually; that there would be constant collision of local interests, or at all events great struggles would ensue throughout the boroughs and towns of the kingdom, which must endanger the peace, independence and good government of the country. It was by a very different course from that which was adopted by the present Government that this country had reached such a height of prosperity and happiness. Governments had formerly ruled the country with a strict adherence to those principles on which its constitution was founded. They had always remembered that the constitution rested for its support upon the prevalence of a proper mixture of monarchical, aristocratic, and popular feelings. This Bill, however, would, if applied to the large towns, have the effect of raising up a class of persons who would not be imbued with the same loyalty or attachment to the constitution as those who now compose the Corporate bodies had always evinced. He would prefer a salaried Magistracy and police to be established in every town throughout the country, to the establishment of a Democratic body whose object would be to restrain the exercise of their privileges, and, indeed, to drive into exile the Aristocratic members of that community where this unjust power had once obtained a footing. He hoped that the House would not consent to apply new and hasty rules of legislation to the government of all the towns and boroughs throughout England. The hon. Member concluded by moving "that all those places in which the number of the Councillors may amount to thirty and upwards, should be exempted from the operation of this Bill."

The *Chairman* suggested that it would be better for the hon. Member to reserve his Motion until they came to some town in the schedule to which it was intended to give thirty or more than thirty Councillors.

Mr. *Roebuck* said, that the people of Bath, at least, would be greatly alarmed, and troubled, if they imagined that their town was to be removed from the Bill: for certainly, if any towns were more fitted to be brought under its operation than others, they were the large towns. There might have been some pretext for the hon. Member's suggestion, with respect to the very small towns; but if the hon. Member, admitted the principle of the Bill (as it must be supposed he did, for he had not resisted the second reading) what shadow, or glimpse, of anything like reason could the hon. Member bring forward for his proposition; if he had any, he had better state it to the Committee for they had heard of none yet. If the town was large, as in that which he (Mr. Roebuck), had the honour to represent, and the Corporation small, what was the consequence? Why that the great mass of the people would have no confidence in their government; and would be continually at strife with their rulers, so that, on any emergency, the Magistrates would derive no regular assistance from the people as was the case with the City of Bristol, and the hon. Member opposite (Mr. Miles) would bear him out in this—where, at the late riots the Magistrates were without any effectual assistance from their townsmen, having lost their confidence. But if they reversed the case—if they made the Corporation a proper one—if they made it represent the whole of the people—the people would have confidence in their Magistrates, there would be an administration of justice, which the people would believe to be justice, and not such as it was now; it was not so much what the Corporation did, but what the people believed they would do, and till they made the Corporation consistent with the feelings of the people, it would not have their confidence. Under these circumstances, though if the proposition had been for the small towns, there would have been some shadow of pretext for it, he, (Mr. Roebuck) should resist the Amendment of the hon. Member for Norwich.

Mr. *Scarlett* said, seeing no disposition in the Committee to support his Motion he begged leave to withdraw it.

Motion withdrawn.

Aberystwith placed on the schedule.

The other boroughs were proceeded with.

On the Question, that Bath, with not less than forty-eight, nor more than fifty-four Councillors stand part of the Bill,

Mr. *Grote* said, that as this was the first opportunity which he had of expressing an opinion with reference to the number of the Councillors, he was anxious to observe that it was neither necessary nor expedient that such a number as forty-eight should be appointed for such a town as Bath. A Council composed of thirty Members would be much more likely to give satisfaction.

The *Attorney-General* admitted, that much inconvenience might arise, if the duties of the Councillors were not so varied as they would be under the Bill. From the number of forty-eight, Committees would have to be appointed for watching over different local departments such as paving, lighting, &c. From the nature of the important duties which they would have to perform, he did not consider the number of the Councillors too large.

Sir *Robert Peel* did not see why the same Councillor should not, if he were an active man, be on two Committees. The number of the Members of the Committees formed from the Town Councils ought to be limited to three or five; or it would be found that the execution of the public business would be greatly impeded. He was afraid that in all large bodies that was the case. He was sure that it was the case with Cabinet Councils, and that a Cabinet Council of nine Members did business more effectually than one of thirteen. In all Commissions, he was persuaded that two Commissioners would be a better number than seven; for in the latter case, the individual Members would feel much less responsibility than in the former. In all bodies, indeed, the smaller the number of Members, provided they were enough to do the business, the better would that business be done. In his opinion, thirty would be a much better number of the Council for Bath than forty-eight.

Lord *John Russell* observed, that in considering the number of Members of which a Town Council should consist, it ought to be remembered that the individuals composing that Council were far from being persons who could devote the whole of their time to public duties. The greater part of them were occupied in trade or business; and it was only their extra time that they could spend at the meetings of the Council. If, therefore, the number of Members of the Council was very small, the duty would fall heavily on a few of the Members. On that account, he thought the Town Council ought to be rather a numerous body—the more especially as he was not without hope that they would eventually have the whole affairs of the town under their management. It was true, that it had been represented by some persons, that the number of Members of the Town Council prescribed by the Bill, was too large; but then, it had been represented by others, that the number was too small. He thought it would be no advantage to reduce the numbers.

Mr. *Baines* was of opinion that the number of the Town Councils proposed by the Bill was not excessive, and he founded that opinion on the following circumstance. Every one who was acquainted with Manchester, knew that the governing body of that town consisted of 240 persons; the governing body of Salford consisted of 120 persons. Now, the number of Members prescribed by the Bill for the Town Council of Liverpool, a place, the population of which was equal to that of Manchester and Salford together, was only ninety. From those facts he inferred that the number was not excessive. Experience led him to the conclusion that the number of the Council appointed by the Bill would be adequate to administration of the various places to which they belonged, but that a diminution of that number would be injurious. There was another observation arising out of those which he had already made, with which he would likewise trouble the Committee. It should be remembered that in appointing these Councils, they were appointed, not for a stationary, but for an increasing, population, and therefore that it would be better to err on the side of excess than on that of deficiency.

Mr. *Roebuck* was of opinion that the number of Members of Town Councils prescribed by the Bill was excessive. He wished to ask the noble Lord why he had increased the number of the Members of the new Corporations, as compared with the old? It was said, that the new Corporations would have more to do. It might be so; but then they would enjoy greater facilities for doing it. He begged to move as an Amendment to the proposition respecting the city of Bath, "That the number thirty be substituted for the number forty-eight."

Mr. *Williams* did not think the number proposed by the Bill too large. It should be remembered that, as the noble Lord had observed, the Members of these Town Councils would have their own business to attend to as well as that of the public. Adverting to the number of the Common Council of the city of London, he maintained that if, instead of that number, the number was only sixty, the whole of their time would be occupied by the business of the city.

Sir *Robert Peel* was persuaded, that if the number of the Members of the Common Council of the city of London were doubled, the business of the city, instead of being done better, would be done much worse. Where the number of the Members of any body was large, it was no distinction to belong to it; where comparatively small, to belong to it became a distinction worthy of the ambition of respectable men. He had had much experience of public bodies; and he would venture to prophesy, that in any body of the kind in question composed of eighty or ninety Members, four or five would seriously devote themselves to their public duties; but that, whenever anything was to be given away, then all the Members would attend; and the four or five who had rendered themselves, by their attention, conversant with the business, would be overborne by the mass, who, not having taken any share of the burthen upon themselves, must necessarily be in a state of comparative incapacity, and who would, nevertheless, desert the four or five who had been doing all the work.

Mr. *Williams*, in explanation, observed, that the due execution of the duties to be imposed upon the Town Councils would occupy much time; and that, unless there was a division of labour, those duties would be imperfectly discharged.

Mr. *Horace Twiss* adverted to the constitution of the Court of Directors of the East-India Company. That body managed the affairs of one of the largest empires in the world, and had to sub-divide itself, for that purpose, into various Committees; and yet it consisted of only twenty-four Members.

Mr. *Grote* said, that with respect to the Common Council of the city of London, he thought that the great number of the Members of which it consisted was the greatest vice about it; and therefore, in his opinion, the illustration of the hon. Member for Coventry was an unfortunate one. In his opinion, it would be much better to limit the number of the Members of the Town Councils, and by that means to increase their value; for it should be recollected that the value of a body of that kind depended not on the number of the body, but on the number of its constituents. As to the allusion made by an hon. and learned Gentleman to the constitution of the Board of Directors of the East-India Company, the merit of their proceedings was attributable rather to the upper servants of the Company than to the Constitution of the Board.

Sir *George Clerk*, in order to show that the number of Members of the Town Council prescribed by the Bill for Bath was excessive, adverted to the case of Paisley, a place of nearly equal population, the Municipal authority of which consisted of a body composed of only sixteen individuals.

Lord *Sandon* declared that the present number of the Members of the Corporation of Liverpool—namely, forty, was quite adequate to manage the affairs of the town. Business, practically speaking, was always done better by small bodies than by large.

The Committee divided on the original Motion—Ayes 105; Noes 74; Majority 31.

The remainder of the Schedules were agreed to.

The House resumed—The Report was brought up, and the Bill having been recommitted *pro forma*, the Report was ordered to be taken into further consideration on Tuesday.

Post-Office.] Mr. *Wallace* rose in conformity with the notice which he had given, to bring forward a Motion respecting the state of the Post-office. Before he proceeded, he begged to state, that in any remarks which he might be induced to make, he wished the House to bear in mind, that when he spoke of the Officers of the Post-office, he only alluded to them as public men, and that, beyond that, he had no knowledge of them. He was in a similar situation with regard to the Gentleman who had conducted the Revenue Inquiry, on whose Report the observations which he should have to make were chiefly founded. He was satisfied, from that Report, that the department of the Post-office was capable of much more extensive utility than it was likely to attain as long as the present system was persisted in. That system had now been acted upon for fifty years, and he was more and more convinced, from what he saw, that the Post-office could be administered more advantageously to the public if a great change were to take place. Before he proceeded to the subject matter of his Motion, he should very briefly revert to what had been said of him in another place by a noble Duke, who was formerly Postmaster-General. He would not recriminate on that Nobleman, but he thought that he should have no difficulty in showing that in the view he took of the matter he was right, and the noble Duke was in the wrong. If inquiry were granted, he would undertake to prove this to the satisfaction of any one. He wished also to observe, that if in the course of his observations he alluded to the mode in which the business of the Post-office was conducted during the time the noble Duke was at the head of that Department, that he merely referred to him as the public officer, and not as a private individual. A similar observation he also wished to make with regard to Sir Francis Freeling. A document had been laid on the Table entitled "Papers relating to the Post-Office," and he had no hesitation in saying that they were more delusive than any papers that he had ever seen, as coming from a public department to that House. He felt bound to make this observation in justice to the gentlemen who had conducted the Revenue Inquiry. He confessed that his views on this subject had not been changed by the letter which had been written by the Duke of Richmond in answer to the Report of the Commissioners. In a document which had been laid on the Table in April, 1834, on the state of the revenue, there was a return of the revenue of the Post-office for a certain number of years. This return was for Great Britain, and did not include Ireland. Now, he contended that in this document there was not less than 1,097,000*l.* unaccounted for. He trusted that the attention of the Chancellor of the Exchequer would be directed to this subject. It certainly was not the way in which the public money should be accounted for in that House. He denied that any office could be well managed where such immense sums were allowed to remain floating for such a length of time, and where the accounts were in such a state that they could not be readily understood. He objected to the constitution of the Post-office, and thought that the office of Postmaster-General should be discontinued. There had been not less than five Postmasters-General within the last twelve months, and it was impossible that any man could make himself master of the details of an establishment like the Post-office, or even with its general business, in a short space of time. For seven or eight months of the year there had been no Postmaster-General and all the duties of that office had been delegated to the Secretary of the department. The business transacted between the Postmaster-General and the Secretary was carried on in a most objectionable manner. The Secretary opened all documents, and wrote his opinion in the margin, and this opinion generally influenced the head of the office. This system had been strongly censured by the Commissioners of Revenue Inquiry. Again, the accounts between the Post-office and Treasury were kept in such a complicated manner that it was utterly impossible that they could be correctly kept. In consequence of this he was satisfied that the Treasury often sanctioned proceedings which they never would do if they were acquainted with their nature. The first thing he complained of was, the delegation of duties in the Post-office; secondly, that it was a trading company; and thirdly, that it expended money received through it without first getting the sanction of the Treasury, as was the case with the two great departments of Excise and Customs. One of the great objections to the present system was, that it frequently happened that individuals were appointed Postmasters-General, who besides being unacquainted with the duties of the office, were wholly without any habits of business. When Lord Maryborough at the age of seventy-two became the apprentice of Sir F. Freeling, he should like to know what his Lordship was likely to learn? He would say let there be a commission or some other arrangement, he did not care what it was, so that the business was likely to be better done. It was to be recollected that immense patronage was at the disposal of the Postmaster-General, and the manner in which it had been exercised, was not favourable either to the morals of the public or the efficiency of the office. He found from a return for which he had moved of the appointments of deputy postmasters and postmistresses, during the last five years, that there were on an average 386 original appointments in the year, and that they were worth 90,400*l.* a-year. The number of promotions were remarkably small. He observed in this return that many females had been appointed to discharge the duties of the post-offices in the country. He had heard that in some cases females had received the appointment instead of their husbands, in order that the latter might not be disqualified for voting at elections. Whether this was the case he knew not, but he thought it improper that females should be intrusted with the performance of public duties to which so much responsibility was attached. The merit of the arrangements at the Post-office was not Sir F. Freeling's, it belonged to Mr. Palmer, the inventor of mail coaches. Sir Francis Freeling had carried it into execution, and now was the time when a change had become necessary, in consequence of his great age, to alter the system and carry into effect the improvements that might be considered desirable: advantage should be taken of this opportunity, for none more favourable was likely to offer itself. The income at present received by the Secretary was 4,165*l.* a-year; and the under Secretary, received 800*l.* a-year, making 4,965*l.* a-year to these two officers. To this was to be added, the value of the Secretary's house which he estimated at 1,000*l.* a-year, taking into consideration that he had no taxes to pay, and that he was supplied with coals and candles. In his opinion, the duties might be performed most efficiently by two commissioners with 1,000*l.* a-year each, and by a secretary with 800*l.* a-year, and an under secretary with 400*l.* a-year. All the duties of the office might be most efficiently conducted at an expense yearly of 3,765*l.* For the Secretary's house there was no use. There was no night duty performed at the General Post-office; it had been so contrived that all night duty was avoided at this office, which was an exception in that respect to all the others in the kingdom. With a view to the more efficient dispatch of business, and to afford the public greater accommodation, he would have the clerks take the night duty in turns; and as they would be entitled to accommodation, he would divide the house amongst them. He observed that there was a charge of nearly 2,500*l.* a-year for greasing, oiling, and cleaning the carriages; he thought he might venture to say that none of this money was spent out of St. Martin's-le-grand. He would move for a return in detail from the Money-order office, of the whole amount of poundage charged by postmasters upon post-office money orders, in each of the last three years. This office was established for the purpose of enabling the poor to transmit to their poor friends any sum to the amount of 5*l.* in a way that was not to cost them any thing. Now what was the return? Why that the post-office knew nothing about it, because it was not in their department. The return said, "The Money-order office is a private establishment, and the business carried on by private capital, under the sanction of the Postmaster-general; but as no accounts connected in any degree with it are kept at the Post-office, no return can be made by the Postmaster-general to the above order of the House of Commons." Now he wished to know with whose capital the establishment was carried on? Was it not the country's—Whose were the servants? The country's. Where were the accounts kept? At the Post-office of the country. He hoped that the House would not be content with such a return as this, but that it would order another and more complete one. The House would see who received the emolument derived from this source of plunder. Eight-pence in the pound was the sum taken by this jobbing from the poor parent or child, instead of being allowed to send the money free. This was not all; the Post-office made an order necessary, and thus the parties were put to the additional expense of a double letter. What became of this 8*d.*? There were two or three officers in the country who divided it amongst them; in London they raised 8*d.* in the pound, and the Post-office people put it in their pockets. Who they were who did so they refused to tell; but if the House would grant him a Committee he would undertake to discover them. In the country the deputy Postmaster, who took in the letter, put 3*d.* of the 8*d.* in the pound into his own pocket with the sanction of the Post-master-general; the sum of 3*d.* more went into the pocket of the deputy-Postmaster to whom the order was sent; the remainder found its way to St. Martin's-le-Grand to the General Post-office. Yet they said they knew nothing about it. A Register-office for the safer transmission of money would be a better establishment. A Register-office had saved as much as 12,000*l.* a-year to the bankers in Ireland by the recovery of cut notes, and the Post-office saved 1,000*l.* a-year in law expenses. Under this arrangement, every man who paid for his letter was sure that it would reach its destination. A person paying 1*s.* had a right to have his letter registered, and that was the usual course adopted with money letters. The consequence was, that letters were not, as in this country, thrown into the fire, and the money put into the pocket of the person who broke them open. He would recommend the establishment of such an office as this. Next came the mail-coach department, which he had last year characterized as a job. He complained of another defective Return. He had moved for a Return in detail of the amount paid to the contractor or contractors for furnishing mail-coaches, distinguishing the number in use in England, Ireland, and Scotland. The Return furnished stated that the "average" number of mail-coaches in use "in England and Scotland," may have been about 250 per annum in each of the last ten years; in Ireland about seventy-four. This was the same Return as was made last year. Why, when the House ordered a Return distinguishing the number in use in England, Ireland, and Scotland, were they furnished with only an average Return of the number in use "in England and Scotland?" The fact was, the Post-office did not choose to tell them why they were paying 25,000*l.* or 30,000*l.* a-year more than the coaches were worth, if paid for by the mile. There were three men in England who could give the required information, and he would tell the House who they were—they were, Mr. Vidler, Sir F. Freeling, and Mr. Johnson. Scotland had nine of the coaches out of the 250. The coaches were of a miserable description, they were most incommodious and shaking; in short they were infernal machines. It was owing, in a great measure, to the solicitor that the necessary Returns were not made. He was paid by fees, and there could be no check upon him. Of course the more he engaged the Post-office in litigation, the better for him. He could mention an instance in which the solicitor had been called on to give an opinion. He decided that some papers might be sent abroad open in a box, but the Act would not allow them to be sent closed without charging a postage on them. The arrangements respecting the transmission of papers from our own colonies was most objectionable. The paper he now produced he had received from New York, and it had cost him one halfpenny. [The hon. Gentleman unfolded the paper and spread it upon the floor of the House; much laughter was excited by its immense size. Some hon. Members cried "Read, read."] He had rather decline the reading of it. The amount of the subscription for that paper was ten dollars a-year, 40*s.* Two newspapers had been sent to him from Canada; on one side they were Canadian newspapers, but the other side by some *hocus pocus* was converted into a ship letter, and he was charged 3*d.* for each. The system of conveying newspapers by the London post was bad. Why was a poor weaver to be charged 2*d.* if a newspaper was sent to him only in the next street, while another paper was sent some hundreds of miles into the country free of charge? He must deprecate, too, the power the Post-office possessed of creating penny-posts in the country. Reverting to the mail-coaches he said that for expedition they were quite second rate. He hoped the time would come, now that that there was a Whig Administration, when the objections he was urging would be obviated, and when the approach of the livery of the royal mail would be hailed as ensuring a vast accession of knowledge. The evidence which had been given by Mr. Godby, the present Secretary to the Post-office in Ireland—a reluctant witness, it should be remembered—showed that the work required was equally well done by the stage-coaches as by the mails. There were some mails in this country which went at the rate of ten and ten and a half miles an hour; why should not all go the same rate? He was sorry that when the Duke of Wellington had taken so many offices on himself, he had not taken the office of Postmaster-General; if his Grace had done so, he was sure that he would have introduced a great change in these matters, and would have said that if such a speed were accomplished in certain particular instances, it should be accomplished throughout the whole system. When he had last year brought this subject before the House, he had mentioned the great want of accommodation by mail-coaches, and of communication by steam in Scotland. The then Postmaster-General (the Marquess of Conyngham) subsequently had stated in the other House, that every convenient communication by steam had been established. This, he would again contend, was not the case; steam communication had been established in some cases where none other was practicable; but it had not been substituted for land conveyances, where it would have been more efficient. It was a great abuse and job to send letters for Scotland through

Donaghadee and Portpatrick, instead of sending them direct by steam up the Clyde. He next came to a subject of great importance, and one which called for a speedy examination—the system of the steam-packets belonging to the Post-office. In the year 1830, it had been reported by the Commissioners that the outlay upon these steam-packets had then amounted to 630,000*l.*, with a dead loss of 300,000*l.*, making no calculation for interest, which might be taken at twelve and a-half per cent upon the cost. Up to last year the outlay might be estimated at 1,300,000*l.* Some curious information had also been furnished in respect to the plan pursued in the building of their packets. At a certain period nineteen of them had been built; seven of them had been built at Harwich at a cost of 23*l.* per ton, the other twelve had been built in the Thames, at the rate of only 19*l.* per ton. If this were not evidence of favouritism or jobbing, it certainly looked to him something very much like it. A similar system had been pursued in reference to the establishment of stations for the repair of the packets. There existed beautiful docks, well fitted for the purpose at Dublin; but instead of using them, an extensive establishment had been laid down at Holyhead. Again, some of the vessels were taken to Portpatrick—a poor miserable place—instead of being brought up the Clyde, and why? Because, if taken up the Clyde, the repairs would have been executed at a much cheaper rate, and then there would have been no job. The simple result of the whole system was this—that an immense sum had been laid out upon the building of packets for the Post-office, which, if sold to-morrow, would not produce one half of their cost, and yet which could not be kept at a loss of less than 100,000*l.* a-year. Then there weret he emoluments of the Captains of Post-office packets which were enormous in comparison to the pay of officers in the King's navy. He was sure that the services of as good men might be obtained for one-half, or less than one-half of the money now expended. Another thing he would advert to was the advantage which would arise from the establishment of a system of check receipts for securing the speedy and safe transmission of money through the country. He was sure that it would have the desirable effect of preventing the many serious losses which now fell so heavily on individuals in consequence of the robberies which took place under the present defective system. He referred to one or two cases of those losses which had been attended with peculiar hardship to individuals; yet the Post-office had still refused to make them good or to give any compensation to the parties suffering. He thought that the various details which he had brought before the House were amply sufficient to show that very material alterations ought to be undertaken in the different departments of the Post-office. He contended that no desecration of the Sabbath would be caused by the delivery of letters on Sunday. Indeed, if such a change were effected, the desecration of the Sabbath, which now took place by sending expresses on important and urgent occasions, would cease. He saw no reason, also, why the two departments of the Post-office—the general and twopenny posts—should not be consolidated and the duties of the two establishments performed by the same servants. If this alteration were made in the present system. the public of London might, as the inhabitants of the other cities now do, receive their general letters and those of the twopenny post through the same hands and at the same time. He would say one word on what he thought the disgraceful system of plundering the letter-carriers, by means of the superannuation fund. Some payments were made by the letter-carriers into this fund, which, if placed in a Savings-Bank or Annuity office, would yield a considerable income but they were put off at the Post-office with a stipend miserably small, and they could get no account of the money which was lodged for their benefit in the fund to which he had alluded. The hon. Member begged leave to read to the House the resolutions he had last year submitted to the Post Master-General. They were as follows:

1st. That the Post-office is a great and most important establishment, declaredly for the convenience and advantage of the whole body of the people, rather than one of revenue.

2nd. That the net revenue of the Post-office has been falling off of late years.

3rd. That every other branch of the revenue has been increasing, and very generally in proportion as the rates of taxes have been diminished.

4th. That the same result may fairly be expected to follow a general reduction of the rates of postage; and a more liberal and extended post communication.

5th. That the convenience and advantage of the people will be best consulted by a low rate of postage; and post communications established with every village in the empire.

6th: That two and one penny posts can only be considered as local posts.

7th. That two and one penny posts, therefore, can in justice be viewed only as short distance posts; and in fairness, and on principle, must be conducted on the same rules as longer distance posts.

8th. That to superadd two or one penny postage to letters charged with general postage, merely because it suits the convenience of the Post-office to cause the delivery to be made by the local post, is unjust, becase it is against the true spirit of distance being the sole and only rule of charge of letters.

9th. That to charge newspapers with two and one penny postage, merely because it suits the Post-office partially to transmit a portion of them through a local post, is still more unjust, because the declared practice, as well as the principle of the law is, that newspapers shall be delivered free of postage; and it is a perversion of this principle, and a quibble raised against the true spirit of the law, over and above being in violation of the unalterable right of equal taxation, to charge postage on newspapers going short distances, while they are legally sent, in all directions, hundreds of miles, free of all charges whatever.

10th. That no postage whatever shall be demanded or paid in future, on newspaper, sent by post in Great Britain or Ireland.

11th. That no postage shall be demanded or paid (without the previous sanction of Parliament) on newspapers sent from foreign countries.

12th. That prices current and the like mercantile communications, having their covers open at the sides, shall on payment of 2*d.* each pass by post to every port of Great Britain and Ireland, our colonies and dependencies, and to all foreign countries.

13th. That prices current and the like mercantile communications sent as above from foreign countries, shall be conveyed by post in Great Britain and Ireland, our colonies and dependencies, on payment of 2*d.* over and above the foreign charge.

14th. That letters addressed to, and by, Members of Parliament, from and to our colonies and dependencies, shall pass free as they do in this country.

15th. That letters shall be charged by weight and that charges on letters having envelopes, or on double, or such like letters, shall be discontinued.

16th. That Members of Parliament, when resident in London may frank on Monday the number of letters allowed by law on Sunday, as well as those on Monday.

17th. That it shall be declared lawful, as it unquestionably is just, for persons everywhere to send, carry, and receive letters by private conveyances of any kind, provided there is no post communications to and from the places where such letters are sent from and to.

18th. That the arrival and departure of mails from London should be at different hours, according to circumstances.

19th. That a morning and evening mail should be despatched daily on all the great lines of communication—the hour of the morning departure to be made convenient for conveying the morning newspapers.

20th. That every mail-coach should average the rate of ten miles an hour.

21st. That this arrangement would simplify and cheapen the communication with Ireland.

22nd. That it would be the means of placing the whole mail-bags under cover, in place of being piled on the top, and injured by wet, as at present.

23rd. That all Post-office communications by steam-packets should be effected by contract.

24th. That post communications by steam-packets, hired for the pupose, or being traders should be established wherever the time required be less by sea than by land.

The hon Member concluded by moving for "a Select Committee to inquire into the management of the Post-office."

The question having been put,

Mr. *Labouchere* rose and assured the House that he did not offer any objection to the course which the hon. Member for Greenock had proposed out of any disrespect for him, or by way of disparaging the credit which he deserved from the House and the country for the interest which he had taken in, and the industry which he devoted to, this very important subject; and still less did he object to the Member's Motion because he undervalued the subject itself—a subject extremely important, not merely as a question of revenue, but more especially one which involved the comfort and commercial interests of the whole community. The hon. Member for Greenock had laid down many principles in the course of his speech from which he was far from differing. He quite agreed with him that with respect to the Post-office establishment, while he believed that many departments of it were admirably conducted, yet there were many branches of it which required the most serious and searching investigation which could be bestowed on their management. Speaking from their small degree of experience and the short time during which he had devoted his attention to this subject since he became appointed one of the Commissioners of Inquiry into the Public Offices, he was bound to say, that the impression produced upon his mind from that inquiry, so far as it had been hitherto pursued, was, that there was very great room for improvement in the system itself, and in the different modes and regulations by which it was carried into operation. He confessed that he did not consider the appointment of a Select Committee the only or the best mode of instituting an inquiry into the subject. The period of the Session at which this Motion was brought forward (though he believed that the lateness of the period was by no means attributable to the hon. Member for Greenock)—the time, he repeated, at which it was proposed to enter on this complicated and various inquiry, embracing such an immense number and such different details, part only of which had been touched on in the speech of the hon. Member for Greenock, that of itself, constituted no slight obstacle on the ground of prudence to appointing a Committee of inquiry on this subject. But he must also express his opinion, that this was a subject which might be much better investigated by a Commission composed of a few persons, than by a Committee of that House, provided, of course, that the House was willing to give credit to the Members of that Commission for a determination to proceed in an upright and honest manner to investigate the subject thoroughly, and to act fearlessly and honestly by the public in conducting of the inquiry. He could only say, that it was now but a year since the Commission on this question had been instituted, and notwithstanding the changes in the Government which had taken place within that period, he thought he should be able to show that the Commissioners had not been idle in the performance of the task which had been allotted to them. One very important result of the inquiry had been, that a total change of system had been effected in one branch, by determining that one of the most improvident contracts which had ever been entered into—he meant the mail coach contract—should cease on the 5th of January next. At this moment, indeed, the matter was submitted to public competition, by the permission which was given to send in tenders for the supply of coaches for the next year. There had been under this contract a most absurd charge for oiling and greasing, of 2,400*l.* which was abolished, leaving it for the future to be borne by those who furnished the coaches. With respect to the facilities of communication with foreign countries, the good effected by the labours of the Commission on this ground was, that a Bill was now before the House by which he had little doubt a more expeditious and less expensive mode of exchanging letters and papers between this and other countries would be effected. The constitution of the Post-office was a point of the first importance. The hon. Member had truly stated that it was the opinion of the Commission of Revenue Inquiry, of which Lord Wallace was at the head, that it would be advantageous to the country to substitute a Board of Commissioners with general directing authority in place of the Postmaster-General. He was not prepared to give a decided opinion upon that question, but he could assure the hon. Member and the House that it should obtain the immediate and deliberate attention of the Commission, of which he had the honour to be a Member. He could state, in the name of his brother Commissioners, as well as on his own part, that they would apply themselves to the whole subject, which had been submitted to their investigation with no other object or intention but that of considering what was best to be done for the management of the great public department to which their inquiries referred, without regard to any question of patronage, or to the manner in which individual interests might be affected. The hon. Gentleman had talked of the private speculations of persons connected with the Post-office. Now, certainly, nothing was more liable to suspicion than that the officers of any public department should engage in private speculations. He perfectly agreed with the hon. Gentleman in the principle which he had asserted on that point; and it would be the endeavour of the Commission to establish that principle in practice. He must say, however, that he rather regretted the harsh language in which the hon. Gentleman had indulged, and that on very insufficient grounds, in speaking of several of the public servants connected with the Post-office Department—among others the Solicitor to the Post-office. He agreed with the hon. Gentleman, that there were many reasons why it was more expedient that that gentleman, or any other placed in a similar situation, instead of being paid for his services by a nominal salary, made up by a commission on the work he performed, should be paid altogether by salary. But the hon. Member did the gentleman who now held the office of Solicitor great injustice, if he supposed that he was influenced in the discharge of his duty by pecuniary or unworthy motives; for to him (Mr. Labouchere) it was well known that that gentleman had devoted much time to the consolidation of all the Post-office Laws—an object which he trusted would ere long be effected. With respect to the present system of Steam-packets, the hon. Gentleman had stated that it was well worthy of consideration whether the system of contract or of establishment was the better. The Commission would go into that investigation with every disposition to probe the matter to the utmost. But was it not evident that inquiries so extensive, and embracing so many topics, and such minute investigations, would be much better left in the hands of the Commissioners now engaged in the undertaking? The Commissioners had the power of making inquiries on the spot in a manner which no Committee of the House of Commons could possess. For all these reasons he trusted that the hon. Gentleman would not press his motion.

Lord *Lowther* was favourable to the Motion of the hon. Member for Greenock; and differed entirely from the hon. Gentleman who had just spoken as to the superiority of a Commission to a Committee of the House of Commons in making an inquiry of this nature. He knew from experience that a Commission was inefficient to grapple with so strong a body as the Post-office department. When he had the honour to belong to a Commission of that nature, the Post-office almost set them at defiance; and it was found by the Commission to be a matter of the greatest difficulty to extract from the Post-office any information necessary for the elucidation of the inquiry. The Post-office authorities were equally negligent in complying with the orders of the House. A paper was called for by the House in October last; in March and April last the application for this return, which was one of consequence, was renewed, and it was not forthcoming on the last day of April. Perhaps the right hon. Gentleman could say whether it had since been made. [Mr. *Labouchere:* The return has been made.] Then with respect to another return which was ordered, stating the expenses of the outfit of vessels, with other particulars, a return was sent in, stating merely the tonnage of the vessels and minor details, omitting the most important facts, namely the expense of outfits, &c. He agreed that the management of the office required a change, and he did not think the Gentleman who filled the office of Secretary adapted his notions to the altered circumstances of the times. With respect to the question whether contracting for steam-packets, or having an establishment of them, was the preferable course, he (Lord Lowther) had a paper which showed the number of miles that the mails were carried by contract, and the number of miles that they were carried by the establishment; and from that paper it distinctly appeared that the contract system was nearly a hundred per cent. cheaper than the system of establishment. The cost of the steam-packet Post-office establishment between Dover and Calais was 14,000*l.* a year; and just before he ceased to be a member of the Commission to which he had alluded, an offer had been made to perform the work by contract for half that sum. The question of fees was also one of great importance. It was not that he grudged to any public servant the fair emolument to which he was entitled; but whenever an attempt had been made to secure better accommodation for the public in this department of the public service, the fees had always been found to stand in the way. Fees had been abolished in every other public department, why not in the Post-office? With regard to the Solicitor of the Post-office, he was quite willing to allow the merit of the gentleman who held that office; but it was a fact that the expenses of that department of the Post-office were greater than the expenses of the same department in the Customs or in the Excise. It had been said, also, that there were no sinecure offices in the Post-office. Now, it was a fact that a gentleman who had been appointed to the office of Receiver-general at the Post-office, was immediately afterwards made Private Secretary to the First Lord of the Treasury. Either the office of Receiver-general should be abolished, or it should be made an efficient office. Owing to some circumstances or other, the Post-office revenue had not increased as it ought to have done. If in 1797, and at a less rate of postage, it amounted to 800,000*l.* considering the increased activity of commerce, the natural inference was, that it should be of much larger amount at present than from the returns it appeared to be. Unquestionably a vast sum was wasted in the establishment of steam-packets, than which he was convinced no system could be more impolitic. At Liverpool the Post-office packets reduced their fares from 30*s.* to 10*s.* to defeat the competition of individuals. The same took place with the Post-office packets to Ostend; and when the Commission to which he had belonged endeavoured to obtain information on the subject, owing to the existence of a combination they had found it exceedingly difficult to do so. It was absurd on the part of the Post-office department to maintain an establishment of steam-packets. Who was there in the Post-office that could possibly know any thing about nautical matters? The consequence of their ignorance was, that they bought stores and other necessaries at random, and at exorbitant prices. Convinced, as he was, that a Committee of the House of Commons would be more likely to get to the bottom of all these mysteries than a Commission, he should support the Motion of the hon. Member for Greenock.

Dr. *Bowring* supported the Motion. The subject was one of the greatest interest. It was certainly most extraordinary, considering the prosperity and wealth of this country, that it was the only part of Europe in which the Post-office revenue had not of late years greatly increased. He had had occasion to know that the communications of the late administration of the Post-office with the French Government had been made in a most uncourteous and unaccommodating spirit; and that the French Government felt much annoyed at the circumstance, and much indebted to his Majesty's present Ministers for their readiness to remove the existing inconveniences.

The *Chancellor of the Exchequer* observed that there was no one whose opinions on this subject were entitled to so much weight as the noble Lord the Member for Westmoreland. The noble Lord possessed the two best elements of knowledge on the subject. He possessed a knowledge of the principle on which the office in question ought to be conducted, and he possessed a knowledge of the fact as to the manner in which it had actually been conducted. There was no material difference of opinion, he was also bound to say, between the hon. Member for Greenock and his Majesty's Government. On the contrary, the course which the latter had adopted showed that there was a great coincidence of opinion between them. By the measures in progress, his Majesty's Government affirmed their conviction of the existence of certain evils in the Post-office department, and of the propriety of applying adequate means for the removal of those evils. The only question was how that desirable object could best be effected. With respect to the general principle on which the Post-office department ought to be conducted, the noble Lord could not hold stronger or more decided sentiments than he did. He was delighted to hear the noble Lord acknowledge that it was not because the existing practice was an old one that it should therefore be protected. He (the Chancellor of the Exchequer) was unequivocally of opinion that having adopted the principle of substituting salaries for fees in all the other public departments, the same course ought to be pursued with reference to the Post-office. For, as the noble Lord had justly observed, fees stood in the way of efficient reform; considered, as they were, in the shape of vested interests. But he must take the liberty of saying, that so long as from the first formation of Lord Grey's Government, the question connected with steam-packets was considered. One of the first acts which he (the Chancellor of the Exchequer) had performed at the Treasury was to make an application to certain persons at Liverpool with respect to a contract for conveying the mail by steam across St. George's Channel. He had received a communication which induced him to anticipate that there was an inclination on the part of the person in question to contract for the conveyance of the mails by steam between Liverpool and Dublin On again coming into office, he had written to those persons to ask if they would engage in the undertaking. Their answer was, that circumstances had so changed since their last communication on the subject, and the commerce between Liverpool and Dublin had become so much more important to them than any consideration connected with the Post-office, that they were not disposed to embarrass themselves with any contract respecting the mails.

He did not state this fact as any argument against the system of contracts; for his opinion was, that wherever that system could be carried into effect, it ought to be carried into effect. But he stated it in order to show, that the adoption of that system was not always so easy as it might appear to be. He would now revert to the real point for the consideration of the House. It ought to be remembered that the period at which they were discussing this question was near the middle of July. Government had already issued a Commission to inquire into the various important points of the case, and were advancing in the career of improvement. If a Committee of the House of Commons were to be now appointed, was it likely that that Committee would accomplish the object in view so successfully as the Commission? In his opinion, the better course would be, to allow the Commission to proceed, and to lay their Report on the Table of the House in the early part of the next Session; and then, if the hon. Member for Greenock should be dissatisfied with that Report, it would be competent to him to move the appointment of a Committee, as a supplementary means of inquiry. But he must protest against the Commission of his Majesty's present Government being treated, as it appeared from the statement of the noble Lord that the Commission of the Government to which the noble Lord had belonged, had been treated. The noble Lord was a man of firm character; but really he (the Chancellor of the Exchequer) was at a loss to understand how a high and responsible officer of State could, now he was out of office, come down to the House and complain of the stubbornness and obstinacy which, when he was in office had rendered it difficult for him, and those who were associated with him, to extract information necessary from public servants, for the public service. If his Majesty's present Government yielded to such presumed stubbornness and obstinacy (respecting the actual existence or non-existence of which he would not say a single word), he would say, that they were unworthy of their situation. If any obstinacy and stubbornness were shown by the heads of any public department, that stubbornness and obstinacy must be met by vigour and resolution. Let his hon. Friend make a report of any officer, high or low, in the department of the Post-office, who refused to give any information which the Commission might think it desirable to obtain, and he (the Chancellor of the Exchequer) would take upon himself to say, in the name of his Majesty's present Government, that twenty-four hours should not pass without the removal of that officer from his situation. Let the House consider how much it was the practice to proceed with inquiries of every description connected with the public service, by Commission. But if the practice which the noble Lord seemed to have adopted were generally to prevail—if, having taken no step when in office to remove persons who dared to withhold information, a public servant should, when out of office, come down to complain of such conduct, that public servant would, in his (the Chancellor of the Exchequer's) opinion, show that he had been guilty of a great neglect of duty. On such a principle as that, his Majesty's present Government would certainly not proceed. Their Commission should not be defeated in its object by obstinacy or stubbornness. No sinecure, whether in the Post-office, or any other department, should stand in their way. He put it to his hon. Friend, therefore, the Member for Greenock, whether it would not be better, for the present, to permit his Majesty's Ministers to persevere in the course which had been adopted. Let him recollect, that during the period at which his Committee must necessarily be inoperative, the Commission would be working its way to the production of an efficient Reform. He must say, also, that he thought his hon. Friend ought to have used more caution in making personal charges; especially when his Motion was for inquiry. Into those charges generally he (the Chancellor of the Exchequer) would not enter. But he must say, in justice to a noble Friend of his, whose name had been introduced by the hon. Member for Greenock, that no individual could be more anxious fully to discharge his duty when at the head of the Post-office than the Duke of Richmond. When that noble Duke entered on the office of Postmaster-general, he found a most overgrown and objectionable Post-office establishment in Ireland. He immediately applied himself to the consolidation of the Post-office establishments of the two countries. And he could assure his hon. Friend, the Member for Greenock, that if he had directed his attention as much to the Irish Post-office establishment as he had to the English Post-office establishment, he would have found more to complain of in the former than in the latter. There was no defect of vigour on the part of the Duke of Richmond, nor any shrinking from responsibility. The noble Duke, however, had very great difficulties to contend with; and there never was a man connected with the public service who more boldly encountered them, or who came out of the encounter more blamelessly. If, however, the House thought that the Post-office system was such as to take away all responsibility from those on whom it ought to fall, then he would admit that it was a fitting subject for inquiry; indeed, for such an inquiry as was now actually going on under the Commission. The Government and the House had but one object to insure with respect to that department—the fullest and most satisfactory execution of the duties it involved. This his Majesty's Government were determined to attain; but if his hon. Friend thought that Ministers were not sincere in their declarations, he would, of course, have the candour at once to avow it. The right hon. Gentleman concluded by repeating his request that his hon. Friend would wait till the Report of the Commissioners was placed on the Table of the House.

Lord *Lowther* explained. He had not complained of the heads of the department having refused the production of papers; he complained of the tardiness, or obstinacy, on the part of witnesses and other persons in refusing to produce papers before the Commissioners.

The *Chancellor of the Exchequer* understood the noble Lord to state that the inquiry had been impeded by the stubborn and obstinate nature of the department in withholding evidence which the Commissioners required. He would take it upon himself to say, that if any person connected with that department should be shown to refuse to give information to the Commissioners, that person should be dismissed from his office the next day.

Mr. *Hume* said, if he differed on this occasion from the right hon. Gentleman who had just addressed the House, it was not from any doubt he entertained of the honest and anxious desire of the right hon. Gentleman or of the Government to reform the system on which the Post-office was now conducted. He thought, however, that his hon. Friend, the Member for Greenock, had made out a case which demanded inquiry. The only question was, how that inquiry should be conducted. Lord Wallace commenced his investigation of the system in 1825, and continued it through the years 1826, 1827, and 1828: at last, certain papers were laid by him before the House, and he had ever since been urging, that something should be done in respect to the facts obtained; but his efforts had been vain. The present Ministers had been in office four years, and what had they done on the subject? The amount of reform in the Post-office might be as an unit to a hundred. If the right hon. Gentleman were sincere in saying, that any person connected with the Post-office who refused to return answers to questions put to him should be dismissed, then he would say, that Sir Francis Freeling was the man who ought to be dismissed. He would prove this by a Return made by Sir Francis to an order of that House, which was the grossest insult ever offered to Parliament since he had had a seat in it. A Return was ordered in detail, of the whole amount of poundage charged by Postmasters in Great Britain and Ireland upon Post-office money-orders, stating the purpose or purposes the said poundage was applied to, and the amount paid in London, Dublin, and Edinburgh; also, the sums total paid in England, Ireland, and Scotland in each of the last three years, ending 1st of January, 1835, and distinguishing the same. What was the answer? Why, this: "The money-order office is a private establishment, the business of which is carried on by private capital, under the sanction of the Postmaster-General; but as no accounts connected in any degree with it are kept at the Post-office, no Return can be made by the Postmaster-General to the above order of the House of Commons." A second Return was ordered in detail, of the amount paid to the contractor or contractors for furnishing mail coaches in the United Kingdom, distinguishing the number in use in England, Ireland and Scotland, in so far as this can be done; also, in detail, the duration, nature, and amount of the contracts, and the name of the contractors, and whether by open tender or by limited tender; stating the limits, if any, and when the said contract or contracts were last entered into and expire, and the rate or rates of contract for the last ten years, ending 1st January, 1835. What was the answer?—"The expense of furnishing the mail coaches is paid, not from the Post-office revenue, but by the contractors for horsing them, at rates varying from 2¼*d.* to 3½*d.* per double mile. The Post-office has not the means of furnishing any account of the amount paid." Who then countenanced these contracts? Was any man holding a public situation to give such an answer to the House of Commons with impunity? All he desired was, to get such a man before a Committee of that House. A Committee could do what a Commission could not; for a Committee could bring such a person to the Bar of the House. He saw no reason why the Commissioners should not go on with their inquiry at the same time that the Committee should be sitting. As an instance of the defective state of the Post-office department he would mention the case of Worthing. He despatched a letter on Sunday to Mickleham, but it did not reach that place till Tuesday; for the letter first went to Worthing, a place many miles out of the line of road; yet Mickleham was on a high road, and three coaches started from London to that place every day. He hoped, after the case that had been made out, his hon. Friend would press his Motion to a division, as there was sufficient time during the present Session to enter into the inquiry.

Mr. *Evelyn Denison* preferred the inquiry to be continued by the Commissioners; but so satisfied was he of the existence of great abuses in the Post-office Department, that if, during the recess, the Commissioners should not be able to bring the Inquiry to a close, nobody would be more ready than himself to support a Motion for a Committee early in the next Session.

Mr. *George F. Young* was not induced from his own experience of Committees to believe that a Committee was the most desirable tribunal to be selected; he would therefore support the proposition of the right hon. the Chancellor of the Exchequer; but he should feel himself at liberty to support a Motion for a Committee next Session if the Commissioners should not previously have brought their labours to a termination.

Mr. *Warburton* approved of the appointment of a Committee, because he thought they might jointly carry on the Inquiry with the Commission. Of course the two tribunals would not take up the same lines of Inquiry, but would proceed in different directions. He was desirous to expedite the investigation of a department which had shown so much delinquency.

Viscount *Howick* said, it was quite impossible that two Inquiries, one instituted by a Committee of that House, and the other by a Commission, could go on at the same time. The authority of the Commission would immediately be superseded by the higher authority of that House, and they would be obliged to leave their Inquiries, which were at the present moment vigorously proceeding, and were likely to lead to beneficial results, in an incomplete state. The hon. Member for Bridport had spoken of the existence of delinquency in the Post-office. That was undoubtedly a very serious accusation, and would the Officers of that establishment be allowed a fair opportunity of vindicating themselves, if two distinct bodies were sitting in different places inquiring into their conduct at the same time? The hon. Member for Middlesex had complained that very little progress had been made by the Government with regard to the Amendment of the Post-office Establishment during the last four years. Now the fact was, that notwithstanding the changes of Administration which had lately taken place, and which had necessarily impeded in some degree the inquiries of the Commissioners, a Report had been presented respecting the mail-coach contracts, and a Bill was before the House relative to the communications with foreign countries. Under these circumstances, he thought that the House might be convinced that the Inquiries of the Commission would be vigorously pursued. The individual at the head of that Commission was Lord Duncannon, and he certainly was not a person likely to be foiled in an endeavour to ascertain the real state of the Post-office by any stubbornness on the part of the Officers of that establishment. If, however, it should be found that the Commission did not produce the desired results, he would undoubtedly next Session be ready to support a Motion for the appointment of a Committee. At the present moment he trusted that the hon. Member for Greenock, who deserved the thanks of the House and the Government for having taken the pains to obtain so much information on the subject, would not press his Motion to a division.

Mr. *Wallace*, in reply, said, that he had perfect confidence in his Majesty's Government, and in the assurances that had been made by them, that they would attend to the subject he had brought before the House. He had brought forward the Question on former occasions and had been requested by Lord Althorp to withdraw his Motion because a Commission would be appointed. He agreed with several hon. Members, however, who had addressed the House, that a Committee up stairs would on every account be more satisfactory than a Commission issued by the Crown. They had last night an instance of a difference arising between Commissioners where one of them differed from his associates, and chose to make a separate Report. Supposing, however, that a Commission was appointed, they might have to wait a considerable time for the evidence, and when they had it laid before them they would not know how it had been given; but before a Committee up stairs they would be able to learn the nature of the evidence and to understand its different bearings. He did not intend on that occasion to follow up his Motion by pressing it to a division, in consequence of the confidence he had in the present Government, although he had been recommended to do so. The only object that he had in view in bringing the subject before the House was to obtain a full inquiry. He was satisfied, however, on the present occasion with the declarations of his Majesty's Ministers, and he hoped that the suggestions that had been thrown out on the subject would be taken into consideration with as little delay as possible. The hon. Member withdrew his Motion.

Sergeant-at-Arms.] The *Chancellor of the Exchequer* said, that if the Motion, of which he had given notice was likely to lead to any controversy or discussion he would postpone it; but he was confident that hon. Gentlemen would be satisfied with the course he had taken when they recollected the nature of the Motion he had to propose, as well as the conduct of the individual who was particularly connected with it. He need hardly state that the object of his Motion had reference to the retirement of one of the officers of that House. A Treasury Minute was on the Table, and copies of it were in the hands he believed of every hon. Gentleman, and alluded to a proposed retiring allowance to be given to the Sergeant-at-Arms who had attended that House. It appeared from the document on the Table that the Gentleman he had alluded to had for a long period discharged the duty of Sergeant-at-Arms to that House; it was unnecessary for him to enumerate that Gentleman's claims to their consideration, for there was no hon. Member who was in the habit of attending the House who did not know and fully appreciate the services of Colonel Seymour. Every hon. Member was fully aware of the rare combination of gentlemanly manners, with the proper exercise of the authority intrusted to him, manifested by that individual, and which rendered him so fit for the office he had so long held. That hon. Gentleman had addressed a letter to the Speaker on the 6th of June, stating the length of time that he had served the House, and that he was no longer competent to discharge the duties of his office with satisfaction to himself. But he should best explain the case, by reading the letter, which the right hon. Gentleman did as follows,

Saturday, June 6, 1835.

My dear Sir,—I request you to allow me to trouble you upon a subject of some importance to myself. I am desirous of telling you that, finding my health to have been suffering considerably within the last three or four years, and being quite convinced that the climate of London and the hours are very detrimental to me, I wish to resign my office, provided I may be permitted to do so, retaining the difference between my salary and that to which my successor, by an Act passed last year, will be entitled. I believe you are aware that the office of King's Sergeant attending the House of Commons is held by patent, and that the salary is 2,300*l.* per annum 300*l.* of which is in lieu of a house, the Sergeant having formerly been provided with an official house, which was given up by my predecessor, Mr. Coleman, senior.

The salary of my successor, as fixed by the Act of last year, is 1,500*l.* without any allowance for a house, making a reduction and a difference of 800*l.* per annum. Having myself been almost twenty-four years in the House I am inclined to hope that my asking to be permitted to retire, with the difference between the two salaries secured to me during the remainder of my life, will not be considered unreasonable, especially when it is remembered that no charge whatever will be incurred or imposed upon the country beyond that which is at present paid, and to which I should continue to be entitled by my patent.

If what I have submitted for your consideration shall appear to you to be such a proposition as I am justified in making, you will oblige me particularly by taking such steps as in your judgment may be advisable for making it known to the Government, in order to its being carried into effect, in the event of its being approved of. I have only to add, that my private fortune being a very small one, I could not, under any circumstance, resign my office, unless a retiring salary should be secured to me.

(Signed) HENRY SEYMOUR.

To the Right Honourable the Speaker.

The right hon. Gentleman also referred to the Treasury Minute approving of and recommending the application. According to all former precedents the gentleman who retired from the office of Sergeant-at-Arms, attending that House, was allowed a retiring salary; and from all previous cases that had come before him, it appeared Colonel Seymour was entitled to much more than he had stated in his letter to the Speaker. The proposition which that Gentleman made, if adopted, would be attended with no expense to the public. The allowance which Colonel Seymour desired was only equal to the difference between the salary now paid to him and that which by the Act of last Session was directed to be paid to his successors in the office he now filled. There would, therefore, as he (the Chancellor of the Exchequer) said before, be no loss to the public; and if the Motion were agreed to, he trusted that it would be long before the ultimate saving would take place, which would result from the difference between the salary of the present and future holders of the office of Sergeant-at-Arms attending that House. There were certain Commissioners appointed by Act of Parliament to fix retiring allowances for the Officers of that House, and those Commissioners were certain Members of the Government, and the Law Officers of the Crown. Colonel Seymour, therefore, could have obtained what he desired without coming to that House; he had, however, thought it better to appeal to the House; and he (the Chancellor of the Exchequer) fully concurred in the view that Gentleman had taken. He was sure that it must be a gratifying duty to the House to recommend to the notice of his Majesty one who had so long and faithfully discharged the important duties of a high Officer of that House. He begged hon. Gentlemen to recollect that the suggestion as to the course he had then pursued had originated with Colonel Seymour himself. The proposition he intended to make was in conformity with the case which had occurred when Mr. Coleman, the former Sergeant-at-Arms, had retired. The Motion that he had to make was, that an humble Address be presented to his Majesty, praying him to make such provision or allowance, as he might graciously think fit, to Henry Seymour, Esq., the Sergeant-at-Arms attending that House, and that the House would enable his Majesty's Treasury to carry such order for allowance into effect. The right hon. Gentleman concluded with proposing a Resolution to the above effect.

Mr. *Hume* stated that he was a Member of the Committee that had laid on the Table of the House a Report recommending that the servants of that House appointed after the date of the Report should receive salaries of a different nature from those then paid, and therefore he might be justified in making an observation on that occasion. He was satisfied that the present Sergeant-at-Arms was entitled to receive his full salary of 2,300*l*. a-year as long as he chose to retain his office; but by the Act of last Session his successor in office was only to receive 1,500*l*. The Gentleman alluded to did not feel that he was able to discharge the duties of his office, from the state of his health, and he was certainly entitled to receive the difference between his present salary and that which would be paid to his successor. In his opinion, nothing could be more honourable than the course pursued by the Gentleman in question, and the House was bound to mark the sense they entertained of his conduct. When he heard of the announcement of the retirement of Colonel Seymour, he had expressed his surprise and regret, and he would only repeat that he was sure the House fully appreciated the loss of his services.

Sir *Matthew White Ridley* cordially supported the Motion. He begged to remind the House that the present Sergeant-at-Arms had held that office for a long period, during which he had most attentively and considerately performed all its duties. Mr. Clementson, the Deputy Sergeant-at-Arms, had held that office for thirty years, his father having filled it for about the same period before him, and it was impossible that the duties of the office could be more ably discharged than they had been by that Gentleman. Indeed, all the duties connected with the situation, had been properly discharged since he had known the House of Commons, and he should cheerfully vote to comply with the wishes of Colonel Seymour.

The address was agreed to *nemine contradicente.*

## HOUSE OF LORDS,

*Friday, July* 10, 1835.

MINUTES.] Bill. Read a second time:—London Small-Debt Loan Societies.

POST-OFFICE.] The Duke of *Richmond* gave notice, that on Monday next he should move for certain Returns connected with the Post-Office. He should do this with a view to show that there were certain Gentlemen who spoke about matters which they did not understand. He found it stated, that during the time he held the office of Postmaster-General, there was a sum of 1,970,000*l.* unaccounted for. If these hon. Gentlemen knew anything of the matters they talked about, they would know that that sum included the Dead-Letter money, which could not be recovered; and also the sums of money for the Conway and Menai bridges, which were paid by Act of Parliament. He did not mean to say, that these hon. Gentlemen said what they did not believe, but he did think that they should make some inquiries before they made such statements. It had been also stated, that during the time he held the office of Postmaster-General he had appointed 300 individuals to situations. He only wished that he had had so much good fortune. If that had been the case, perhaps some of those who were now so eager in making complaints would have been silent.

Lord *Brougham* said, whether his noble Friend had or had not accounted for upwards of 1,000,000*l.* of the public money, was a point to which he could not speak; but this he knew, that his noble Friend had promised him, for four years, to appoint a Postmaster, but during those four years he had not succeeded in procuring that appointment. His noble Friend might, at that time, have made him 300 promises for aught he knew—but certainly the appointment was still wanting.

## HOUSE OF COMMONS,

*Friday, July* 10, 1835.

MINUTES.] Petitions presented. By Captain PECHELL, from Petworth, Midhurst, and Steyning, for a Speedy Commutation of Tithes.

THAMES TUNNEL COMPANY.] Mr. *Walter* said, that the subject to which he would now beg leave to call the attention of the House, and that of the Speaker particularly, involved the most essential privilege of that House. It might perhaps be recollected, that he mentioned some time ago, the rumour, that an advance of money to a certain Company, called the Thames Tunnel Company, had been made by the Government. The right hon. Gentleman (the Chancellor of the Exchequer) then suspended his further proceeding, by promising to show him any document existing in his department that might explain the matter. The right hon. Gentleman had obligingly fulfilled his engagement; and the result had been, that the suspicions which he (Mr. Walter) originally entertained had been fully verified, and that money had been obtained under the authority of the House, but absolutely without its knowledge. His first impression was, to ask for the appointment of a Select Committee to investigate the affair; but finding that this mode of proceeding would certainly be opposed—why, he could not tell, though it added to his surprise—he now felt it his duty to bring the subject before the House; and he trusted he might not improperly do so on a Motion for going into a Committee of Supply. He would briefly read a statement of this transaction, which had ended in a Bill empowering the Treasury to lend to this Company the sum of 270,000*l.* The first application made to the Treasury was in the year 1828. The Directors stated, that they had then completed nearly one-half of the work under the bed of the river, but that the work was stopped for want of funds, and they prayed for such aid as to their Lordships' wisdom might seem meet. The minute of the Treasury replied to this, that their Lordships did not feel that they would be justified in proposing to Parliament to afford assistance to enable the Directors to complete the work. The next step taken to which he had to refer was a series of Resolutions passed at a public meeting in July, 1829. One of those Resolutions stated that the sum of 170,000*l.* was the total of the expenditure to that time; and that the sum of 200,000*l.* more, which the Directors, under the authority of a second Act of Parliament, had been permitted to raise, did appear to the meeting to promise to be more than equal to all the future probable exigences of the work. He would here mention that the Company, in their first Act, had considered 160,000*l.* as the probable amount of making the said tunnel, and other works and conveniences necessary thereto. This further sum of 200,000*l.* it was proposed to raise by donations, and debentures of 20*l.* and upwards. The Duke of Wellington very liberally subscribed 500*l.*, and right hon. Gentlemen then in office with his Grace also subscribed largely. Soon afterwards the Secretary of the Company wrote to the Treasury, begging them to remit the Stamp-duty of 1*l.* 15*s.*, to which the debentures were liable. With this request also their Lordships very properly refused compliance. The public did not respond to the call made upon them for donations or debentures, and this plan failed.

Mr. *Francis Baring* rose to order. He confessed he was rather taken by surprise by the course which had been pursued by the hon. Member. There was no notice on the Orders of the Day on the subject of his Motion; and his right hon. Friend (the Chancellor of the Exchequer) was altogether unaware that such a discussion as the present would come on this evening.

Mr. *Walter* said, it was no fault of his that the notice he had given on this subject did not appear on the Orders of the Day. He inquired of the Clerk, several days ago, why it had not been repeated; and was told, that it should appear in time for the Committee of Supply. He had also been informed this morning by a gentleman connected (as we understood) with the Government whose name he would not mention, that he would have an opportunity this evening of bringing forward his Motion. Under these circumstances he should persevere. The next application to the Treasury for aid was in March 1831. The Company stated, that they had completed 600 feet of the tunnel, leaving only 700 yet to be constructed; that they had then expended 182,000*l.*; and that the cost of completing the remainder of the undertaking, according to the most liberal estimate, would not exceed 300,000*l.* They then, in order to raise this sum, offered to mortgage to the Government their future tolls, which they estimated at 15,000*l.* a-year. They referred to an interview they had had with the Duke of Wellington and the then Chancellor of the Exchequer in March, 1829. The answer which was returned to them by the Treasury, on the 20th of May, 1829, stated that there were no funds, nor did the Government intend to place any, at the disposal of the Commissioners for making advances for public works—nor did the Government consider it would be proper to depart from that intention in favour of this particular work. It appeared, however, that the Duke of Wellington, notwithstanding his previous refusal, had been further pressed upon the subject; for his Grace was stated to have replied in a letter of the 27th of May, 1829, to some application, that on considering the matter with his colleagues, they had thought it best not to bring the matter before Parliament that year, either in the way of aid direct from the Treasury, or by lottery (of which a plan had been suggested to his Grace for this purpose); but his Grace added, that he thought it probable they should be enabled to bring the subject forward in the next Session. His Grace, however, though he remained in office during the next Session, did not bring forward the subject, but subscribed his own money in the manner mentioned. The reply of the Treasury, on the 19th of April, 1831, was highly proper: the parties were informed, that the Lords were not disposed to recommend or sanction any application to Parliament for pecuniary assistance. In October of the same year, 1831, the Directors again memorialized the Treasury; they again said, that nearly half the work was completed; that only 255,000*l.* was wanted to finish it; that they were authorized by the proprietors to apply to the Commissioners for issuing Exchequer-bills in aid of public works for that sum, and to give such securities as might be required, on the property, estate, effects, tolls, and revenue of the Company—on condition, however, that the proprietors should not be made personally liable to any further advance for completing the undertaking, in case the expense of the same should exceed the aforesaid estimate for such completion. The Lords of the Treasury directed that the parties should be informed, that it would be premature on the part of the Lords to express an opinion till the object came recommended by the Commissioners for the loan of Exchequer bills.—In November, 1832, the Directors transmitted a new memorial to the Treasury, enclosing a Bill prepared by their solicitor, to be presented, next Session, to extend the period of their powers, and introducing a clause giving sufficient authority to the Exchequer-bill Commissioners to make such advances as the nature of the undertaking might require. This memorial was endorsed "Thames Tunnel Company, for the sanction of the Crown to a Clause in the Bill authorizing the loan of Exchequer-Bills without requiring personal security for the same." The answer to this last memorial was, that the Company were at liberty to introduce the Clause, but that it must be so framed as not to commit the Exchequer Loan Commissioners, or the Treasury, in their final determination.—The Bill introduced into Parliament, to which he referred at the outset, passed the House in August 1833, but nothing was done upon it till July, 1834, when a new memorial was sent in, praying the Treasury to send a warrant to the Exchequer-bill Commissioners, authorizing them to issue Exchequer-bills, or advance money, to the memorialists, to the extent of 246,000*l.*, upon the security mentioned in the said Act, to be repaid with interest, commencing when tolls should begin to be taken, out of the annual profits. The Lords of the Treasury hereupon requested the opinion of the Commissioners for the loan of Exchequer-bills as to the arrangements which should be thought necessary, in case their Lordships should be disposed to exercise the discretion vested in them. The Commissioners in reply, advised that the advances should be first applied in completing the most hazardous part of the undertaking: they recommended that the money should be given by instalments, and the progress of the works watched as they consumed the instalments; but the Commissioners were wholly silent as to any investigation into the nature of the securities offered, feeling themselves, no doubt, precluded by the wording of the Act from instituting such an inquiry. He was justified in forming this conjecture, because he knew that in September, 1831, they refused the application of the Company for 250,000*l.*, and also a second application in September, 1833, for 270,000*l.* The final minute of the Treasury is dated October 10th, 1834, wherein the Lords did at last authorize the issue of 30,000*l.* Such were the proceedings of the Treasury. He now came to show the manner in which the positive refusals and protracted reluctance of the Treasury and the Exchequer-bill Commissioners to part with any money upon such a scheme had been baffled and overcome by the unfortunate, and what he might call the unconscious intervention of Parliament. A very few days after the meeting of the first Reformed Parliament, viz., on the 19th of February, 1833, the first step was taken; and he (Mr. Walter) should read the history from the Journals, for he had no information except from that source;—1833, February 19th, Petition of the Thames Tunnel Company, praying leave to bring in a Bill to amend, extend, and enlarge the powers and provisions of the former Acts, and to enable the Company to raise a further sum of money. To be referred to a Committee, Mr. Gillon, &c., and to have power to send for persons, papers, and records.—March 22. Mr. Hawes presented a Bill to amend the Acts relating to the Thames Tunnel Company, and to extend the powers thereby given for raising money for the completion of the said Tunnel. And the same was read the first time.—April 1. A Bill to amend the Acts relating to the Thames Tunnel Company, and to extend the powers thereby given for the completion of the said Tunnel, was read a second time and committed to Mr. Hawes, &c.—May 17. The Bill, with several amendments, was reported, and the Report ordered to lie on the Table. After this the Bill appeared to have been, what was called, "hung up" till August, with what view he (Mr. Walter) would leave the House to judge: in August, however, and amidst the hurry and confusion of a closing Session, the Bill was got through. He must now recur to that date when the second reading took place—viz., the 1st of April; and he would read an extract from *Hansard's Parliamentary Debates*:—"Monday, April 1, 1833. The Thames Tunnel.—Sir E. Codrington presented a Petition from the proprietors of the Thames Tunnel, praying for aid to enable them to complete that work. The petitioners said they had already expended 170,000*l.* in prosecuting it, and had surmounted difficulties which were never contemplated. They had already shown the practicability of the undertaking, and the only difficulty now was the want of funds. If Government would purchase the property, or allow it to be sold by lottery, the petitioners would be happy to meet such a proposition.—The Speaker inquired the prayer of the petition, and on being informed what it prayed for, he decided that, before it could be received, the sanction of the Government must be given. Petition withdrawn." * Having always had a very great suspicion of this undertaking, he (Mr. Walter) watched to see whether a new petition would be brought forward; but hearing nothing further, his vigilance was disarmed; for he could not have the least idea that a private Bill to effect the same object had been already read a second time. Early in March this year he first heard of the advance of 30,000*l.* of the public money. For some time he did not believe it possible, but then took the steps he had already mentioned. The money which had been advanced, and which he had no doubt was lost, was not of so much consequence as the deviation from the established law of Parliament. He believed it to be the rule of the House that money should not be granted without the leave of the House; and this Bill, authorizing the payment of 270,000*l.*, had been got through totally without the knowledge of the House, under the disguise of a private Bill. To talk about security was ridiculous. The parties were screened from liability themselves, and the country was told it might have the works, which would be totally unproductive. A tunnel might be made, no doubt, in various ways, but at what expense? Nearly 200,000*l.* had been already wasted; 270,000*l.* more were asked for by the Act in question; and when that was spent he would venture to say that another 270,000*l.* would then be found necessary for its completion. He stated this on no light authority. The money already given was totally thrown away, unless the House were content to vote at least half a million more for this project, which was carrying on, in more senses than one, in the dark; respecting which the Government had no information whatever, except such as it derived from the parties receiving the money, and who had been misleading the public from the very commencement of the undertaking. He could not conceive that the House would knowingly make such an improvident grant of the public money while so much general distress was diffused over the agricultural interest of the country. He thought that a considerable part of the money already advanced might yet be recovered, if the right hon. Gentleman would act with promptitude, and grant a Committee. That would be the most effectual mode of proceeding. He at least trusted that the discussion which might take place would put an end to any other draughts on the public purse. Before he sat down he would read a communication which he had received from a gentleman who took a great interest in the building London-bridge, and who firmly believed the proposed tunnel would never be completed. "They had not yet got," he said, "to the worst part of the river. Experience obtained in building the new London and Southwark-bridges had proved that the soil on the northern side of the river is springy, liable to quicksand, and in every respect more dangerous and difficult to work than the southern or Surrey side, on which the work has been commenced. To insure a reasonable prospect of success the tunnel ought to have been made several feet deeper. The work never could be accomplished without coffer-dams, and there is no timber long enough to make the piles in that part of the river. Timber from fifty-five to sixty feet long might be obtained fit for that purpose, but not longer, and it was with the greatest difficulty that timber of a sufficient length was obtained for the coffer-dams at new London-bridge. A Committee to examine practical engineers would be very desirable. The coffer-dams would cost all the money at present advanced, and would interrupt the passage of the river, if not wholly stop it." Another individual had informed him, that when the water broke in, there were only about seven feet of soil between the tunnel and the wash of the river. The most difficult part remained to be done. The channel of the river was on the Middlesex side. The tunnel was therefore about to approach a part of the river deeper than that under which it was at present, and therefore with less soil to cover the tunnel. The hon. Member concluded by moving for—"a copy of any document under the authority of which the advance of the sum of 30,000*l.* has been made to the Thames Tunnel Company; and for copies of the Reports, if any, of professional persons, made before the money was advanced, respecting the existing state of the tunnel, the estimated cost of completing the same, and the probability of future repayment."

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* Hansard, (third series) vol. xvi. p. 133.

Mr. *Hawes* said, that as one of the Directors of that Company which had engaged in the undertaking with reference to which the speech of the hon. Member for Berkshire had just been made, he felt himself called upon to trouble the House with one or two observations, for the purpose of giving a direct answer to the extraordinary statement which had just been addressed to them, in the course of which allusion had been made to the question put a few days ago to the Chancellor of the Exchequer. Not having been in the House on that occasion, it was out of his power then to have said anything in the way of reply, but, had he been present, he certainly should have said that which he now felt bound to state—namely, that the hon. Member for Berkshire might, if he wished, have obtained the most full and accurate information from the books and papers of the Company, which were all open to him. He was told that every one of the books, that every document in the possession of the Company, was accessible, and that there was no information he could desire relating to their affairs that would not be cheerfully given. In reply to that offer they had not received the least communication from the hon. Member, and the only step which he thought proper to take in consequence of it, was to bring forward the present Motion, in a speech so full of details, or rather with the appearance of so much detail. He (Mr. Hawes) of course could not desire to address himself to that question otherwise than with the most perfect courtesy towards the hon. Member for Berkshire, but he felt bound by a sense of duty to affirm that the information upon which the speech of that hon. Member was made had not the slightest foundation. First, he thought it right to bring the matter forward on the ground of its being a breach of privilege, but having found it expedient not to rest entirely upon that ground, he complained of it as authorised by a Bill which had passed through that House without his knowledge, which had escaped even his vigilance. Now, the hon. Member was altogether wrong if he supposed that the sums referred to had been advanced upon the authority of any individual Bill framed for that purpose. The circumstances of the case were these:—A sum of 1,000,000*l.* had been placed at the disposal of Commissioners, to be applied to the carrying on, or in aid of public works. Of that 1,000,000*l.* 30,000*l.* had been advanced on the usual terms, and under the sanction of the Treasury; he was, therefore, warranted in saying, that there was not the slightest irregularity in any part of the transaction. A motion for papers was in such a case peculiarly unnecessary, for no document whatever had been withheld, or would be withheld, from any person whatever applying on public grounds. The hon. Member who introduced the subject had complained that no professional persons were consulted. Such a complaint could hardly have been anticipated in the present state of the works, for one-half of them was completed. Where was the necessity of consulting professional men on a matter which had already been sufficiently investigated, and respecting which no fresh information could reasonably be expected? How could it be considered that there was any further necessity for professional inquiry, when the main difficulties had been overcome? There had been two irruptions of the river, and nevertheless the work advanced, there was therefore nothing more to apprehend. The hon. Mover had referred to the circumstance that the original estimate was 160,000*l.*, that 270,000*l.* had been expended, and that half a million more would be necessary. In reply to that he should say, it was to be recollected that original estimates of such works as that must of necessity be in a great degree conjectural; that conjecture had now been superseded by fact; and they could at length feel assured that the remaining half of the work would not cost more than that which had been already executed. Notwithstanding this, however, they had asked for the larger sum, considering that it was best to err upon the safe side. The hon. Member concluded by repeating, that in the present case there was no breach of privilege, and there was no Bill passed without the knowledge of Members generally.

Sir *Robert Peel* did not understand the hon. Gentleman opposite (the Member for Berkshire) as saying that any specific Bill had passed for the purpose of granting the sum mentioned to the Thames Tunnel Company.

Mr. *Hawes* begged permission to interrupt the right hon. Baronet, and to appeal to the hon. Member for Berkshire himself as to the description he gave of the act under which it was alleged that the sum in question had been granted.

Mr. *Walter* said, he had the act in his pocket. It was the Thames Tunnel Act, and had received the Royal Assent on the 28th of August, 1833.

Mr. *Hawes* said no money was advanced under that Act.

Sir *Robert Peel* observed, that the hon. Member on the other side appeared to attach much more importance to the circumstance of the hon. Member for Berkshire not having gone to the office of the Company to inspect their books and papers than a matter of that sort appeared to deserve; it was surely no reflection on him that he had not done so, and it was perfectly natural that, as a Member of that House, he should now wish upon public grounds to obtain copies of public documents for the purpose of ascertaining the amount of money obtained, the terms upon which the advance was made, and the prospect which remained to the public of repayment, by the tolls or otherwise. As a Member of that House he had a right to call for that information, and to inquire the Parliamentary grounds of the whole proceeding. The hon. Member for Lambeth had attempted to answer the arguments on the subject of no engineers having been consulted in reference to the present grant, by saying that such a step had been rendered perfectly needless by reason of one-half of the work having been already completed, and that their knowledge of what that cost must necessarily enable them to know the probable cost of the remaining portion of the undertaking. Now, it was too much to assume that the cost of one portion of the work would not be greater than that of the other; surely such a mode of reasoning could not be expected to produce conviction in the minds of any hon. Member, and it was quite fitting that due inquiry should be made before a further advance of public money took place. Then, had not the House a right to obtain some security, not only that the terms of the loan should be complied with, but that the undertaking itself would eventually be completed? For these reasons, he was quite of opinion that nothing could be more natural, more strictly Parliamentary, than the Motion of the hon. Member for Berkshire.

The *Chancellor of the Exchequer* thought that the speech of the hon. Mover had invited the discussion into which his hon. Friend behind him had entered; at the same time he fully acknowledged the right of inquiry. The House had every right to inquire how the money was to be applied, and what were the prospects as well of repayment as of the ultimate completion of the undertaking; and he, therefore, should not offer the slightest objection to the production of those documents for which the hon. Member for Berkshire moved; but he must be allowed to observe, that he thought the speech which the House had that night heard had much better been deferred until the requisition contained in the Motion was complied with. It would have been, in his opinion, much better to have put the House in possession of the documents first, and to have made the speech afterwards. Consenting to the Motion as he did without hesitation, he trusted he might be allowed to suggest, that its being moved as an Amendment to the question of going into a Committee of Supply was rather inconvenient; he trusted, therefore, that the hon. mover would consent to withdraw it for the present, with the understanding that, like all Motions made by consent, it might be brought on just before the rising of the house, when the hon. Gentleman would be allowed to make the Motion without opposition, or it would be made for him. He wished merely to add, that the grant to which the Motion referred was not made since he had received the appointment of Chancellor of the Exchequer, but in the time of his noble Friend Lord Spencer. He felt, however, that the grant was in every respect defensible; it was surely expedient not to leave so great a public undertaking incomplete; it would in his opinion, be a kind of national reproach if it were not finished; still he was ready to admit that those considerations did not of themselves form sufficient grounds, and therefore reports had been made respecting the previous expenditure as well as the probable amount of the future cost.

As to the conversation which took place respecting a breach of privilege, or the passing of a Bill for the purpose, he had only to say that the money was granted in the regular way of performing an ordinary official act.

Sir *Robert Peel* said, there were many cases in which advances of money might be made with a view to an ultimate effect of public importance, and he did not say but there might frequently be presented to the executive Government objects likely to produce great public benefits; but in such cases there could not be a doubt that the opinion of Parliament ought to be taken, and the nature and the value of the undertaking, as well as the probabilities of repayment, should be submitted to the House. It was certainly his opinion, that when money was required for public purposes it would be dangerous to admit the practice of having it granted by orders from the Exchequer without giving Parliament any opportunity to judge of the prospects of repayment.

The *Chancellor of the Exchequer*: I agree with the right hon. Baronet.

Mr. *Walter* said, the Commissioners appointed for the loan of Exchequer-bills on security of public works had twice refused any money to the Thames Tunnel Company—first in September, 1831, and next in September, 1833. The sum now granted, it appeared, had been obtained under the authority of an act of Parliament, of which he would venture to say that ninety-nine Members out of every hundred had no knowledge whatever. As to the offer that had been made to him, respecting an opportunity of inspecting books, papers, &c., he certainly had not availed himself of that offer by the hon. Member for Lambeth, for he preferred going to the fountain head, and he had taken all the pains in his power to verify the statements he had made, by reference to the most authentic sources of information; he, therefore, felt confident that they could not successfully be impugned; but it appeared to him best, after what had been said by the right hon. Gentleman, the Chancellor of the Exchequer, to adopt that right hon. Gentleman's suggestion. He would, therefore, withdraw the Motion for the present, as its object would be attained at a more advanced hour of the evening.—Motion postponed.

On the Question, "that the House resolve itself into a Committee of Supply,"

LAY PATRONAGE (SCOTLAND).] Mr. *Andrew Johnstone* rose to bring forward, as an Amendment, the subject of which he had so long given notice, namely, Lay-patronage in Scotland. In doing so, he would endeavour to occupy as little of the time of the House as possible, by merely endeavouring to give a very brief and practical exposition of the present situation of the question, and then calling upon the House to grant the people of Scotland an indication of the manner in which the House was disposed to treat the subject. He was aware that the Scotch questions in general were not received with much cordiality by the House; but he thought he was peculiarly entitled to ask their attention, seeing how seldom such questions had been obtruded on them during the present Session.

Mr. *Hume* hoped the hon. Member would excuse his interruption, but he put it to his own good sense, whether, as the inquiry into the whole subject had not terminated, the present was the time for bringing forward such a question, which could lead to no practical result.

Mr. *Andrew Johnstone* said the inquiry to which the hon. Member for Middlesex alluded was only on one part of the subject, namely, Church accommodation; the question of Church-patronage stood quite by itself. Besides, the hon. Member must be aware that a Committee of that House had inquired into the subject; their long Report was submitted last Summer, and the House certainly required no further information now. He (Mr. A. Johnstone) did therefore submit, that they could not at present require information, otherwise he assured the hon. Member he would be most happy to attend to his suggestion. He would then very briefly state those great evils which had pressed on the Church of Scotland from Lay-patronage, and had led him (Mr. A. Johnstone) and many others in Scotland, to come forward and ask for a remedy. It was that which he would press on his Motion. The evils had been most extensive, and had affected the Church in every one of her departments; they had affected the clergy, the candidates for the Ministry, and done infinite injury to the Church in general. He called the attention of the House to the petitions which laid on the Table in reference to the proposed grant to that Church. There were, indeed, 150,000 petitioners for, but there were also 120,000 against, the grant.

Those petitioners must unquestionably shew the sense of the people of Scotland; and they exhibited to them such a large mass of that people, who had fallen away from the Church, and become Dissenters. It had been, undoubtedly, the practice of the right hon. Baronet (Sir R. Peel) to give the Crown presentations to individuals who had found favour with the majority of the Heritors—that might answer well so far; but then Gentlemen should observe that there was a number of the people, as well as the Heritors, in every parish. Take the case, for an example, of the parish of Kirk-Michael (one of the last presentations granted by the late Government); in that case the presentation was given to the nominee of the Heritors (there being only one resident Heritor in the parish). The parishioners themselves having heard seven or eight candidates, sent up a petition to the Crown-office, on behalf of the person who met with their approbation; but their recommendation was disregarded, and the nomination was given to the Heritors. It was necessary that something should be done. The Church of Scotland was in that situation that, if some measures were not taken to bring back the alienated affections of the people, they would soon see the fall of that excellent Institution. It seemed to be supposed that it was his intention to give no compensation to Lay-patrons; he assured the House that such was not his view. He unquestionably admitted that the Lay-patrons having existed for upwards of 100 years in Scotland, were entitled to some compensation. With regard to the other part of the question, he meant to repeal the Act of Queen Anne, regarding patronage, referring it to the Church itself and its own legislation to arrange respecting the induction of Clergymen, and to make presentations to the Church. That might be early provided for, by simply inserting a clause, that the Act should not come into operation till the Church had made its arrangements for the settlement of the question. With regard to the present situation of the Church, he was told, early in the Session, by the right hon. Member for Edinburgh, (Sir George Clerk) that if the matter were postponed, the General Assembly intended to make a regulation upon the subject. The General Assembly had certainly taken the matter up, but so unsatisfactorily that the proceeding pleased neither party; and being only a half measure, it could not be a beneficial one. But he (Mr. A. Johnstone) submitted that the question should be dealt with by the Legislature; for, in fact, till the Church was so empowered to act, it could not take one step on the subject. He was aware that under the peculiar circumstances of the case, and the far-advanced period of the Session, he could not do that justice to the subject which he desired to do; but he brought it forward from a deep impression of the necessity that the people of Scotland should know what were the feelings of the House on it. The House had granted the political franchise to the people of Scotland; why should they not also have the right of choosing their Ministers? He had no motive in urging the question on the House, but a desire to free the Church of Scotland from those corruptions which had so long existed in her. He would trespass no longer, but merely observe, that if they left this great question without coming to a conclusion on it, which he thought himself justly entitled to demand for it, they would inflict a great injury upon the Church of Scotland; and that if they did not interfere to preserve that Church, and prevent the people of that country from forsaking her, (for he assured the House there was a very strong feeling upon the subject of Lay-patronage there) they would run the risk of losing one of the strongest bulwarks of the Protestant faith. He begged leave to move, "that an humble Address be presented to his Majesty, praying that he will give his consent to introduce a Bill to abolish Lay-patronage in Scotland."

The *Lord Advocate* said, that the hon. Member for St. Andrew's seemed to think the measure which he proposed so expedient and necessary, that he could not even allow the House to go into a Committee of Supply, without first determining on the merits of a Bill for abolishing Lay-patronage in Scotland. So far, however, was he from looking at it as an urgent measure, that he thought it would be much better not to agitate it in the present Session. That, indeed, seemed to be a very general opinion; for among the many Members for Scotland who were present, the hon. Member for St. Andrew's could not find one to second his proposition; and it was seconded by a Gentleman from a part of the country in which, he understood, Lay-patronage was by no means regarded with an unfavourable eye. He (the Lord Advocate) had every reason to believe that the great body of the people of Scotland thought that a fair opportunity ought to be afforded for ascertaining how far the Lay-patronage of the Church of Scotland might be advantageously carried on under the recent regulations of the General Assembly. If that were not the case, why had not petitions been presented to that House, expressing a different opinion? The course which he should recommend, certainly, was to allow a further time, in order to see how far the regulations of the General Assembly, to which he had alluded, would work beneficially. Of the Church of Scotland generally, he would confidently say that he believed no Church, in any country, possessed a stronger hold on the feelings and affections of people; and that no Church was more influenced by a sense of duty, or manifested greater zeal and integrity, or a stronger and more anxious desire to promote, in every possible manner, the interests of religion. All changes, therefore, which it was proposed to make in the constitution of such a Church, ought to be viewed with doubt, lest any rash measure might produce a diminution of the existing good, without effecting any commensurate advantage.

Mr. *Fox Maule* entirely concurred with the hon. Member for St. Andrew's in the opinion which he had expressed on the subject of Lay-patronage in Scotland. He entirely concurred with that hon. Gentleman that the sooner Lay-patronage was abolished in Scotland the better. But on the present occasion he felt it his duty to oppose the hon. Gentleman's Amendment, on the ground that it stopped the House from going into a Committee of Supply. His motives might be misconstrued; and it might go down to Scotland that he had departed from the declarations which he had made on the subject. He cared not. He had given his public and honest reasons for his vote; and he should be as ready to state them elsewhere as he had shown himself to be in that House. Whenever the hon. Member for St. Andrew's might think proper to enter his notice regularly on the book, instead of bringing it forward as an amendment to a Motion for going into a Committee of Supply, he should have his warmest and most cordial support; but on the present occasion he could not support his proposition.

Mr. *Stewart Mackenzie* regretted that the hon. Member should have introduced in that incidental manner a subject which, if advisable at present to discuss at all, surely demanded the most weighty and serious attention. Brought forward as it now was, it could only interfere with the declared business of the night. The people of Scotland had felt a great and just interest in the important question of Lay-patronage; and though that interest had nowise diminished, it had taken a new course. After the full and patient investigation of the subject last Session, and the recent proposal of the General Assembly respecting it, the people of Scotland felt the greatest confidence—in which he entirely joined—that no minister would henceforth be intruded on them not fully qualified by education, and not agreeable in doctrine to the majority of the communicants. He protested against the principle which regulated the right to the elective franchise being at all applicable to the election of ministers in the Church, whereby the highest interests of man, involving his eternal welfare, might be influenced, and was ready to peril the whole question upon the opinion of Lord Moncrieff, whose advice, as a great lawyer, and as one hereditarily and deeply attached to the Church of Scotland, both in letter and spirit, he thought was the safest guide the House could follow; and he had taken the view sketched out here, and declared he saw no ground for the interference of the Legislature, nor any substitute preferable to the existing system. The hon. Member deprecated any further discussion of the subject till the General Assembly's proposal as to the vote of the parishioners should have had a fair trial. He was persuaded it would work well; and, now that public opinion had been so fully awakened to the subject, he was confident that in future the patrons would not venture to intrude on any parish a minister whose doctrines and qualifications would not justify his appointment. On these grounds he trusted the hon. Member would withdraw his Motion, and allow the business of the night to proceed.

Mr. *Cumming Bruce:* I shall vote against the Motion of my hon. Friend the Member for St. Andrew's, on the ground stated by the learned Lord Advocate, namely, that the General Assembly has lately made an alteration in the laws of the Church. I think it extremely improper to interfere in the progress of those measures, which may enable us to legislate with greater advantage than we can at present. I think the time also injudicious, on account of the period of the Session, as well as on account of the great change that has lately taken place, which should induce us not to enter upon the subject at all.

Mr. *Hardy* observed that as the objection to the proposition of his hon. Friend seemed, upon the whole, to be directed not so much against the principle of that proposition as against the form in which it had been brought forward, he advised his hon. Friend to withdraw his Amendment and submit the subject to the House again as a substantive proposition.

Motion withdrawn.

The House went into a Committee of Supply.

SUPPLY.—MARLBOROUGH HOUSE.—SPEAKER'S RESIDENCE.] The *Chancellor of the Exchequer* said, that before his hon. Friend brought forward the miscellaneous estimates, he (the Chancellor of the Exchequer) would, with the leave of the Committee communicate to them the contents of a letter which he had received from his noble Friend who was at the head of the Woods and Forests. He was anxious to take the earliest opportunity of doing so, because the letter in question related to the Speaker of the House of Commons. Lord Duncannon had written to him (the Chancellor of the Exchequer) by command of his Majesty, on the best means of providing, until the rebuilding of the Houses of Parliament, a convenient and suitable residence for the Speaker. The letter was to the following effect:—"Some difficulty having arisen on the subject, his Majesty has been graciously pleased to place at the disposal of the House of Commons Marlborough House; and I am commanded by the King to cause it to be immediately repaired, in order that it may be occupied by the Speaker until the new Houses of Parliament, and a fit and proper residence for that Officer shall be completed. I request that you will take the earliest opportunity of making this communication to the House of Commons." He (the Chancellor of the Exchequer) trusted that this communication would be received in the spirit in which it had been made. It tended to prove that no effort on the part of his Majesty would be wanting to accommodate the House of Commons, or the high Officer who presided over their proceedings; and showed that his Majesty was prepared to follow up the declaration which he made at the period of the burning of the two Houses, that he was perfectly ready to place his new palace at the disposal of the House.

Lord *Granville Somerset* wished to put two questions to the right hon. Gentleman. The first was, in what manner the arrangement which, when he (Lord Granville Somerset) was at the head of the Woods and Forests, he had made with Lord Warwick for a House for two years had been disposed of? The second question was (and he believed the right hon. Gentleman would bear him out in the fact) that, as his Majesty, two or three years ago, in pursuance of an Act of Parliament which authorized him to do so, executed a deed, by which Marlborough House was settled on her Majesty in the event of the King's death, how could his Majesty dispose of it in the meanwhile?

The *Chancellor of the Exchequer* would endeavour to answer the question of the noble Lord—The first question was, how the arrangement made by the noble Lord between the Officer of Woods and Forests and Lord Warwick had been got rid of? He (the Chancellor of the Exchequer) believed that it was terminated by the act of Lord Warwick himself, who, on his return to England, considered the contract to be such as to give him the power to put an end to it, and he accordingly had given notice of his intention to do so. With respect to the second question, the House would bear in mind that the possession of Marlborough House, during the existence of the lease, belonged to the King of Belgium. That lease would expire in July, 1836 [An *hon. Member* said, 1835]. Well 1835, and the property would then revert to the Crown. It was true that the ultimate destination of Marlborough House was the Dower House for the use of her Majesty. But in the interval the House would remain a mere public building, to be supported without any use. He believed that it devolved on the King of Belgium to leave the House in good repair. Under these circumstances it was, that his Majesty, seeing this building unoccupied, and seeing also the necessity of providing a residence for the Speaker, had generously put Marlborough House at the disposal of Parliament for the occupation of the Speaker.

Mr. *Charles Barclay* said, that the House could not fail feeling obliged for his Majesty's offer, but it was obvious that a great increase of expense must accrue to the Speaker by residing in a House so unnecessarily large. It was also a very inconvenient situation for the residence of the Speaker.

Mr. *Hume* said, that any offer for the public convenience that would be attended with economy, would be most acceptable, but he thought the present proposition was not an economical one. Having lately reduced the Speaker's salary, the House ought not to impose on him a more expensive residence than what former Speakers had been accustomed to occupy. If Lord Warwick wished to have possession of his House, let him have it; and Parliament would provide another for the Speaker. He would therefore submit to the Chancellor of the Exchequer that a vote of thanks should be given to his Majesty, for his kind intention, but that under the arrangements which the House thought it proper to make for, and the views they entertained respect their Speaker, they would rather take upon themselves to provide a residence for him. When he proposed that Marlborough House should be given up for the use of Parliament, he was told that it could not be had, because it was settled upon her Majesty. Let it remain, then, with her Majesty. No doubt the Speaker would consider it better to live in a smaller House, and be able to enjoy the comforts of life, than to be placed in a palace and starved. The repairs of Marlborough House would cost 5,000*l.*; he therefore hoped his right hon. Friend would not press this arrangement.

Sir *Thomas Freemantle* felt grateful for his Majesty's kind proposal, but, at the same time, the House ought to take the situation of the Speaker into consideration and ought not to kill him with kindness. Another question was, as to the furniture: Was the Speaker to furnish so large a house, merely for a temporary residence of two or three years?

Mr. *Robinson* apprehended that this was not the proper time to discuss the question; but he wished to observe that if the King of Belgium repaired Marlborough House, the public would receive so much the less out of the annuity which his Belgian Majesty had remitted to this nation. He wished to ask the Chancellor of the Exchequer whether the departure from the arrangement with Lord Warwick had cost the public anything?

The *Chancellor of the Exchequer* agreed that this was not the time to discuss the question; but he had done no more than obey the commands he had received, by making the communication to the House. Though Gentlemen had expressed a difference of opinion with respect to the appropriation of Marlborough House to the use of the Speaker, yet he conceived that there could be no difference of opinion as to the feeling which had dictated the offer made by his Majesty, or as to the gratitude that was due from the House for so generous an act. In answer to the hon. Member for Worcester, he (the Chancellor of the Exchequer) begged to say, that it was not the Government, but Lord Warwick, who had departed from the arrangement. That noble Lord had given notice to terminate the lease, and thus it became necessary to provide the Speaker with some other place of residence. If Marlborough House should be considered above the scale fitted for the residence of the Speaker of the House of Commons, it was not likely, under the contingency, that the Crown could obtain a tenant for it in the ordinary market; therefore it must remain unoccupied. Undoubtedly the convenience of the Speaker ought to be considered; and although that right hon. Gentleman was not the man to urge such an argument on the House yet his convenience would be taken into consideration by the House, and he would not be pressed to occupy a palace that he himself disliked. Having made the communication it would perhaps be better that the conversation should drop, and that before they adopted any resolution they should have in their possession all the details connected with the subject.

Lord *Granville Somerset* informed the House that the present residence of the Speaker was taken by the late Government from certain agents of Lord Warwick. His Lordship, on returning from abroad, was discontented with the terms, and denied that the agents were authorised to let the house. But the Government considered on the one hand that the agents were authorised, and therefore the agreement was binding; and, on the other, that if the agents had assumed an authority with which they were not fully invested the fault was with them, and not with the Government. This determination was arrived at by the Government, upon the grounds that the rent was moderate, and the agreement advantageous for the public.

The subject dropped.

ALIEN OFFICE.] On the question that 1,461*l.* for the salaries of the Clerks in the office for the Registration of Aliens be granted,

Mr. *Hume* said, that this office was originally established against the good old custom of England. It should now be put an end to; there never was a fitter time, as the country was as peaceful and as quiet as its best friend could desire.

Mr. *Warburton* said, there was no reason for continuing the office, the regulations of which were a source of needless vexation to respectable foreigners, who wished not to evade the laws of the country. He would undertake to prove this if a Committee were appointed, and till the conclusion of the inquiry the payment of the salaries of the clerks might, he thought, be suspended.

The *Chancellor of the Exchequer* appealed to the House whether the clerks ought to be inconvenienced by being at once deprived of their salaries. The argument of the hon. Gentleman was chiefly directed against the old law, but it should be recollected that that had been ameliorated by the exertions of those at present on the Ministerial Benches when they were embodied in the ranks of the Opposition.

Dr. *Bowring* observed, that the United States had long since abolished the system of passports, and from that step had never yet suffered anything. He hoped that England would first set the same example among the great European nations.

Lord *John Russell* was not thoroughly conversant with the subject, but he agreed that no reasons now existed for continuing the Alien Act. He was one of those who succeeded in obtaining a cessation of the old system, and the substitution of the present law. The present regulations were not, he believed, effectual; nothing was gained from their continuance, and he certainly thought it was fit matter of consideration whether any good purpose whatever was answered by keeping up the office.

Viscount *Sandon* had always voted against the Alien Act, and hoped that England might soon be able to boast, as of old, that her doors were always open to every one, no matter of what country, or whether for ingress or egress.

Mr. *Warburton* said, that after what had fallen from the noble Lord, (Lord John Russell) he was willing to leave the matter in his hands.

Mr. *Hume* trusted, that one of the noble Lord's Friends would immediately bring in a Bill upon the subject. When so important a principle was recognised, he should not object to pay the pensions of the clerks.

Vote agreed to.

PENITENTIARY.] On the vote of 17,000*l.* for the expenses of Milbank Penitentiary,

Dr. *Bowring* objected to the vote, on account of the great expense of the prisoners. There were 600 of them, and the expense of keeping each was 10*s.* per week, or nearly 1*s.* 6*d.* per day, which was four times as much as the average cost of each prisoner in other prisons.

Mr. *Hume* complained of the great expense of the medical department. There were two surgeons, one of whom received a salary of 400*l.* a-year, and the other upwards of 200*l.* He also said, that the annual average expense of keeping each prisoner was 27*l.*, whilst a labourer, and a family of three children were often supported on the lesser sum of 20*l.* a-year. He considered such an expense liable to very great objections. He was glad to see that the hulks would soon be got rid of, as they had proved hitherto to be the very hot-beds of crime. He had visited the establishment last month, and saw that it was in a very good condition; but a foreigner that accompanied him said, that the system was the very best contrivance to spend a large sum of money for a given object. He had voted for the establishment of the Penitentiary in 1811, but he had since been convinced that they had been the dupes of a system attended with great expense, and which was perfectly useless. The establishment ought to be got rid of altogether. It might make a good central prison for the confining soldiers, instead of having recourse to the disgraceful practice of flogging them.

The *Chancellor of the Exchequer* had frequently visited the establishment in question, and he agreed with the hon. Member who spoke last as to its being well managed. With respect to the expenses of it, they might, and he understood they were to be reduced. But what was to be done, looking at the present state of crime in the country, if the establishment was got rid of altogether?

Sir *Thomas Fremantle* was happy to find the hon. Member for Middlesex bearing testimony to the good management of the Penitentiary. The Committee, which sat two years ago on capital punishments, bore testimony to the good caused by this establishment. He confessed that it was an expensive establishment, but it was a very serious question to get rid of it altogether. He was of opinion that no additional prisoners should be sent to the hulks, but an end ought not to be put to the Penitentiary, which now contained 660 prisoners, and that it should not be done especially at this time, when they were about to legislate on the subject of abolishing capital punishments. He was an advocate for the Penitentiary system, and a great number of persons were sent out of the Penitentiary much better on account of the discipline they had undergone in it, and they left it with thanks and gratitude to the officers of the establishment, and especially for the religious benefits they had received while in it. When the expenses of the prison were mentioned, it should be borne in mind that it was never full. It was capable of holding 1,000 persons—only 660 were in it, and the officers, the governor, chaplain, and surgeons, were kept up at the same expense as they would cost if the prison was actually full. It was not fair to calculate what was the expense of each prisoner by dividing the gross expenses by the number of prisoners now in the establishment. He could see no objection to sending military prisoners to the Penitentiary.

Mr. *Edward Buller* said, that the gaols in Staffordshire averaged about 500 prisoners, and that the annual expense of the medical attendant was only 100*l.*

Viscount *Sandon* hoped that the observations that had been made would remove the large expense for medical attendance at the Penitentiary, whether it was 400*l.* or 700*l.* a-year, as the hon. Member for Middlesex stated it was. He was in favour of the Penitentiary system; it ought not to be lightly done away with, as it was of great importance that young men should have an opportunity of reforming, and by means of the Penitentiary they were frequently enabled to return reformed to their families.

Mr. *Fox Maule* begged to state, that no one was discharged from the Penitentiary without having undergone a previous trial as to his or her good conduct. To show that the system was working well, he must inform the House that, in 1833, there were 83 males and 23 females discharged; in 1834 there were 118 males and a number of females in a similarly increased proportion discharged. The silent system had been lately adopted, and it was intended to carry it into more general effect, as good results had been derived from it.

Sir *Thomas Fremantle* had one other observation to make with respect to the expenses of medical attendance. The hon. Member for Middlesex had stated it to be 700*l.* a-year; but the hon. Member had laid on 100*l.* too much, as the accounts of the establishment would prove. One of the medical attendants was constantly at the establishment, and the reason there were two was that cases might occur when the Committee would not be satisfied with the opinion of one medical man. The prison was now in a very healthy state, and perhaps one medical officer would be sufficient.

Lord *John Russell* agreed with the noble Lord, the Member for Liverpool, that the Penitentiary system was one that ought not to be lightly abandoned. With regard to establishments of this sort they must be necessarily expensive, but he thought that some reduction might be made in the salaries of the officers. With respect to diminishing the diet of the prisoners, or rendering its quality inferior, no saving would arise, as the consequence would be increased disease. The system had been tried in various prisons, and it appeared that the expenses consequent upon disease arising from poor diet were greater than if a more generous nourishment were made use of.

Vote agreed to.

COMMISSIONERS OF CRIMINAL LAW.] On the Question that 10,200*l.* for the Commissioners appointed to make a digest of the Criminal Statutes and common laws of the land, be granted,

Mr. *Hume* asked if there was a prospect that this Commission would bring its labours to a close?

The *Attorney-General* said, that the Commissioners had presented one Report, which had been very generally approved of, and he expected that another would very soon be in readiness.

Mr. *Jervis* said, the Commissioners had been already two years employed on this business, and it appeared that there was another Report to be yet brought forward. There were five men employed on the Commission, each having a salary of 800*l.* per annum. Many of those Commissioners were unfit for the task, for though of high attainments, they had such practice in Westminster Hall that they could devote no time to the task, and yet they received 800*l.* a-year each for doing that which one man might have done in a month—namely, collecting all the Statutes of England and the Common Law, bearing on each subject, which might be furnished to him by any text book.

The *Chancellor of the Exchequer* said, that this Commission originated rather with the House of Commons than with the Government. It was felt that there was a necessity of reducing the written and unwritten laws into one code. He was confident that more proper persons could not be intrusted with the task than those to whom it had been confided by the Government of Earl Grey.

Mr. *Jervis* said, the object was not to make a code of laws, but to collect the Statutes already made, and class them according to the subject they related to.

The *Chancellor of the Exchequer* said, that the great object of the Commission was, not to collect the whole of the Statutes, but to reduce them into one, as the hon. Member might see by the first page of their Report, in which they stated their objects to be—first, that of digesting all the Criminal-laws into one code; secondly, condensing into one Statute all the provisions of the common and unwritten law which related to one subject

Mr. *Blackburne* thought that it was not to be expected that professional gentlemen who were engaged on this business should give up the whole of their time exclusively for the remuneration which they received. An hon. and learned Gentleman had complained that these gentlemen were men of very extensive practice; if so, so much the better were they calculated for the duty reposed in them.

Mr. *Roebuck* had before stated with reference to this Question that it would be much more advisable to employ only one competent person who should devote his whole time to the matter rather than those five persons. If the hon. and learned Member for Chester (Mr. Jervis) had ever attempted to make a digest, he would have satisfied himself that there was infinitely greater difficulty in making up a digest than in heaping up the *dicta* of various Judges. There was a great difference between these two things, of making a book of law, and in forming a digest of a number of important Statutes.

Mr. *Cresset Pelham* would refer simply to the vote then under discussion. With reference to the grant to these Commissioners, he thought they received a great deal for doing very little more than what others had done without being put into office, or without being paid.

The vote agreed to.

New Poor Laws.] On the Question that a sum not exceeding 42,841*l.* to defray the charge of salaries and expenses of the Commissioners appointed to carry into execution the Acts 4 and 5 William 4th, for the better administration of the laws relating to the poor in England and Wales,

Sir *Samuel Whalley* deeply regretted that the country had not received any thing in the shape of an adequate compensation for this vote. The Measure under which this Commission was in operation had justified all his predictions. In the country the attempt to introduce it had almost all failed, and it had caused the greatest excitement. Amongst the agricultural population of Sussex it had acted like a fireband — it had distracted the labourers from their work —it had alienated them from all comfort, and the peasantry feared that they were to be reduced to a state much worse than that of the emancipated negro. He was quite sure that the Legislature had no such intention when they passed the Bill, but such were its effects, and the peasantry must be disabused of the impression which had seized their minds as to the intention of the measure. He must repeat that the Commission had been an unnecessary expense, for which the country would never receive any adequate return.

Mr. *Pease* had the most sanguine expectation that this measure would answer well, and that though great disgust had been evinced at it at first, yet that within six months he was satisfied that the Bill would be acknowledged to be one calculated to raise the pauper to his proper standing as a constituent part of social society.

Mr. *Hume* could not help expressing his regret at what had fallen from his hon. Friend the Member for Marylebone, because his statement was one inconsistent with fact. Again it was extremely unfair, at a moment when the Government and these Commissioners were labouring to bring the poorest classes of the community into the state in which they ought to be, that hon. Gentlemen should give utterance to assertions which could only be productive of great evil out of doors. He (Mr. Hume) was not aware that this subject would have come on that night, or he should have been prepared to prove to the House that of which he was perfectly satisfied—namely, that this measure had been successful, where fairly tried, beyond his most sanguine expectations. If there had ever been a question nearer his heart than that of Reform, it was to bring the great mass of the people from the degraded condition into which they had fallen. But would his hon. Friend state what had been done in London in consequence of the adoption of the principle contained in this Bill? There had been a great reduction even in that hon. Gentleman's own parish, though they had pertinaciously opposed the law in the first instance. Yet, acting upon the principles of the Poor-law Bill, the result had been highly beneficial and had operated much to the credit of the Gentlemen by whom it was carried into effect. He should be very sorry indeed in any way to strengthen, and much less to give any confirmation to, the opinion that this measure was intended to oppress the poor man. He believed that if ever there was a measure calculated to bring men to their proper condition or state, aye, and to raise their wages—and to make a man depend upon his own industry, instead of the eleemosynary assistance afforded by the old Poor-law system, it was this same Bill. The expenditure incurred was large, but in carrying into effect so important a plan he would ask what was the charge if the object desired were accomplished? It was clear it would be impossible to render the plan effective with inadequate means. He questioned whether in the parishes of St. George and Marylebone alone the saving did not amount to more than this sum. He rose, however, to express a hope that as the system worked on, it would not be necessary to have so large an establishment of Commissioners, and therefore that the Government would dispense with a great portion of the expense. He objected to the salary of 2,000*l.* to the three first Commissioners; at the same time he should be sorry to starve the efficiency of the Commission by any niggardly economy.

Mr. *Robinson* said, that as one of those who had objected to this Bill, he wished it to be understood that he had never opposed it as a measure wholly. But he called upon the House not to believe, too hastily, that a sufficient time had been allowed to enable them to see how the Bill had operated. It had been put into action under peculiarly favourable circumstances—there had been a vast deal of employment in the country in the manufacturing districts during the last year, and food had been very cheap, therefore, the Poor-law Bill had not hitherto been worked under any trying circumstances of the country. Let the House look to what might occur at a time of scarcity of employ, and dearness of provisions. Again hon. Gentlemen must not attribute all the savings which had been made in various parishes solely to the operation of the Poor Law Bill. With reference to the Bastardy Clause, that, he was convinced, must be revised at some time or other.

Lord *John Russell* would not follow the example of the hon. Gentleman by entering into the details of the Poor Law Amendment Bill; but he would state that the Commissioners would shortly make a Report as to the manner in which they had enforced the law, and his opinion was, that the tenor of that Report would surpass the expectations of the warmest advocates of the Bill. But with reference to the suggestion of the hon. Gentleman the Member for Middlesex, as to the amount of remuneration to the Commissioners, he must say that a less sum than that proposed could not be given to these Gentlemen. When the Question was first brought before Parliament Lord Althorp named a less sum; but the first object of the Government was to select those persons who were best calculated for the trust, and he considered it essentially necessary that those persons only should be employed who were well qualified for the duty, and therefore they should not make the salaries too low. If these Gentlemen had neglected the provisions of the Bill, or had endeavoured to carry it into effect too abruptly, the law would have become unpopular, and they would never have been able to restore it to that influence which it ought to have, and to remedy the evil. The Government conceived that with a view to carry the measure into effect, the salaries now proposed to be given were not too much for the eminent services to be performed. They were of opinion that at any moment a change could be effected in this case, and he should be sorry to expose the plan to damage for the sake of a few hundred pounds.

Mr. *Clay* did not think the expense, considering the great services performed, too much. All the information was now concentrated in one focus, as to the state of the poor over the whole kingdom: it applied to every parish. Now, if the cost of the Commission were for one year 30,000*l.*, in a pecuniary point of view the measure was desirable; but they were to look at the fact, that the Commission was calculated to raise the moral condition of our peasantry, and the advantage could not be calculated by considerations of pounds, shillings, and pence.

Mr. *Law Hodges* said, he did not rise to oppose the grant, but having, when this Bill was before the House, declared his hostility to it, he could only say that his opinions had undergone no change whatever. He hoped, however, that the experiment might turn out well.

Sir *Matthew White Ridley* observed, that the question was not whether the poor were less contented or not, nor was it necessary that they should enter into the merits of the measure; but the question simply was, whether the Committee should agree to the grant proposed. Now, whatever might be said to be the merits of the Commissioners, he believed them to be great; but it was impossible that their efforts could be attended with beneficial effects, if hon. Members of that House took every opportunity of lowering the Bill in the opinion of the public, by entering into a discussion upon it. It was a Bill which had been introduced under the sanction of the Legislature, and deserved and must have a considerable trial before an opinion could be fairly formed of its value.

Mr. *George F. Young* begged to call the attention of the Committee to the fact, that what had been said by those hon. Members who opposed the Bill was provoked by the observations of the supporters of it, because they had gone much farther than was necessary: therefore those who had expressed their dissent ought not to be taunted with an attempt to influence the public mind. For his own part, he would only say that he had never ceased to proclaim himself, throughout all the proceedings on that Bill, as one of its opponents; and he, as well as the hon. Member for Worcester (Mr. Robinson) entertained great doubts as to the practical operation of the measure, in other less fortunate circumstances, than those in which it had commenced.

Lord *Granville Somerset* could not admit that the Bill had operated so successfully as had been represented; but, as other opportunities would be afforded for considering its merits, he would not say one word more on that point. His hon. Friend had severely reprehended those hon. Members who had expressed their opinion that the measure was not working well. Now he (Lord G. Somerset) could bring forward many instances where the practical working of the Bill was by no means such as it had been attempted to be shown to be.

Vote agreed to.

36,800*l.* was proposed for Secret Service money.

Mr. *Hume* hoped that the time would arrive when they would be able to do away with Secret Service money, as they were now able to carry on a Government without patronage. He should enter his protest against the vote, but should not divide the House upon it. Vote agreed to.

Stationery, &c.] 191,756*l.* was proposed for stationery for public departments, printing Acts of Parliament, &c.

Mr. *Hume* remarked, that though this was a large vote, it was the lowest that had been taken for the last ten years. The House would be surprised to hear, and of which they would be put in possession within forty-eight hours, that nearly a million sterling had within the last ten years been expended in the stationery and printing of the public department. This was the first attempt made by Government to reduce this expense, and for that they were entitled to great credit. He could tell the House, that in Parliamentary papers and printing of 1833 and 1834, no less a sum than 31,000*l.* had been saved in comparison of former years.

Mr. *Kearsley:* I beg, Sir, to say a few words. I always said, and I thought that the hon. Member for Middlesex was a very salutary check upon the expenses; but, Sir, after carrying the vote that has been just now agreed to, I put it to you, Sir—and I say it, Sir—that the hon. Member's conduct is that of perfect humbug—[*loud laughter and cheers.*]—I mean no unkindness, Sir, I assure you, to the hon. Member for Middlesex, for I always thought him very vigilant; but when the vote was put to the House for Secret Service money, to the amount of——I do not now exactly recollect the amount——but when that vote was put, whatever was the amount, I saw an hon. Member come forward, and check the hon. Member for Middlesex for his forwardness. I saw it, Sir!—[*laughter and cheers.*]

Mr. *Hume:* I am afraid the hon. Member's optics are a little out of order, and that he sees double. I can only tell the hon. Member, that when I see the allowance for Secret Service money reduced to 36,000*l.*, and when I know that it amounted to 60,000*l.*, and if I know that upon that fund are pensions which could not well be dispensed with at present, and when I see Government reducing that fund every year, probably my confining myself to a protest against the vote may appear a humbug to the hon. Member, but it does not so seem to me. As to any person speaking to me on the subject, I beg to tell the hon. Member I would not allow any one to interfere with me. Neither the hon. Member, nor any other person can or shall dictate to me if I choose to make any observations in this House.

Mr. *Kearsley:* And I beg to tell the hon. Member for Middlesex, that no one can interfere with me, if I choose to make as many observations as I like. And, Sir, if there is an infirmity in my sight, and I cannot see, I am not to be ridiculed; and, Sir, if my sight is not so good, perhaps his head is not so cool. I do not wish to make personal observations, but I will not be put down by the hon. Member for Middlesex, whether he stands by the side of his right hand, or any body else. We are all, Sir, accountable—["*Hear!*" *and loud laughter.*]—Yes, Sir, we are all accountable, and the eyes of the country are open, and will see whether his conduct or mine is the most advantageous.

Mr. *Hume:* I did not accuse the hon. Member of having bad sight, but of seeing too much.

Mr. *Kearsley:* I tell the hon. Member for Middlesex he is out of his reckoning.

Vote agreed to.

Several other votes were agreed to.

The House resumed, the Committee to sit again.

ELECTION EXPENSES AND QUALIFICATION.] Mr. *Hume* moved that the Election Qualification Expenses' Bill should be read a second time.

Colonel *Sibthorpe* opposed the Motion. The Bill was a bad Bill, and the hour was late. He proposed it be read a second time upon Thursday next. He had strong objections to urge to the Qualification Clause.

Mr. *Ridley Colburn* had the same strong objections to the Qualification Clause as others, but would not object to the second reading of the Bill.

The *Chancellor of the Exchequer* agreed in the principle, and recommended the proceeding with the Bill.

The House divided on the original Question: Ayes 59; Noes 6; Majority 53.

*List of the* AYES.

Aglionby, A.
Attwood, T.
Baines, E.
Baring, T.
Baring, F.
Bernal, R.
Blake, M. J.
Boldero, Captain
Bowring, J.
Brotherton, J.
Bruce, C.
Buckingham, J. S.
Callaghan, D.
Carter, B.
Chalmers, P.
Chichester, J.
Collier, John
Colborne, R.
Crawford, S.
Curteis, H.
Donkin, R.
Dykes, F. L. B.
Finn, W. F.
Finch, George
Grey, Sir George
Halse, James
Hindley, C.
Jackson, Sergeant
Jervis, J.
Labouchere, H.
Mackenzie, S.
Maxwell, —
Murray, J. A.
Nagle, Sir R.
O'Connell, M.
O'Ferrall, More
Oliphant, L.
Oswald, J.
Pease, J.
Phillips, M.
Potter, R.
Pringle, A.
Rice, Rt. Hon. T. S.
Ronayne, D.
Russell, Lord John
Ruthven, E. S.
Sheil, R. L.
Smith, V.
Speirs, A. G.
Thompson, Colonel
Thorneley, T.
Tooke, W.
Wakley, T.
Wallace, R.
Warburton, H.
Wyse, T.
Young, G. F.

TELLERS:

Ord, W. H.
Hume, Joseph

*List of the* NOES.

| | |
|---|---|
| Blackstone, W. S. | Kearsley, J. H. |
| Forbes, W. | Lefroy, A. |
| Foster, C. S. | Lowther, Hon. Col. |

Mr. *Arthur Trevor* moved that the Bill, which was too important to be smuggled through the House after one o'clock, should be read a second time this day six months. He entertained strong objections to it, which he wished to be discussed in a fuller House.

The House divided on the original Motion: Ayes 58—Noes 5—Majority 53.

Bill read a second time.

## HOUSE OF LORDS,

### *Monday, July* 13, 1835.

MINUTES.] Petitions presented. By Lord BROUGHAM and the Earl of LICHFIELD, from Porto Bello and North Berwick, against the Impressment of Seamen.—By the same from several Places, against any Grant for Building Churches in Scotland; from five Places, against the Stamp Duties on Newspapers.

CORPORATION COMMISSIONERS.—EXPLANATION.] Lord *Brougham* said that he had to present a Petition from Bridport, on the subject of the Municipal Corporations; which, however, like some others now in his hands on the same subject, had better stand over till that measure was before their Lordships. He should wish to take this opportunity of correcting a statement in a ministerial print of this morning, in which it was stated that he had recommended Sir Francis Palgrave to be one of the Municipal Corporation Commissioners, and the appointment of that Gentleman was attributed entirely to him. This was a mistake. It was true that as Lord Chancellor he had recommended Sir Francis Palgrave, but he did so on the recommendation of a noble Lord, then a colleague of his, and now one of his Majesty's Ministers. He had said at the time that Sir Francis Palgrave had some antiquarian crotchets about him that did not render him very fit to be a commissioner. However, he was assured that the hon. Gentleman had no such crotchets, and so the recommendation was made, but it now appeared that he had.

Lord *Wharncliffe* said, that the Report of Sir Francis Palgrave was one of considerable ability, and deserved to be well considered by their Lordships.

Lord *Brougham* answered, that undoubtedly Sir Francis Palgrave was a man of ability and of very considerable learning, for whom he felt great respect.

Lord *Lyndhurst* said, that there was another Commissioner, Mr. Hogg, who did not agree with the Report of the rest, and whose reasons it would be important to consider.

Lord *Brougham* said, that if he knew anything of that Gentleman, the reasons for his dissent from the other Commissioners were not what his noble and learned Friend seemed to imagine.

COUNSEL FOR PRISONERS.] Lord *Brougham* said, that a Bill of considerable importance had just been brought from the other House, where it had been passed by considerable majorities, though in a shape rather different from that in which it was first introduced. It was to allow counsel and attornies to prisoners charged with felony; the counsel to address the jury, for at present they could only be heard by the Court to discuss a point of law. He should not now enter into the subject more than to say that he approved of it generally, but that there were some of the details to which he could not give his concurrence. He should propose that this Bill be now read a first time, and in the further progress of it he should wish to be guided by their Lordships' opinion.

Lord *Lyndhurst* suggested that the Bill should go to the Committee up stairs.

Lord *Brougham* saw no disadvantage in the plan proposed. There was no pressure as to the passing of the Bill at this moment, for the Circuits were just beginning, and the Bill could not be passed in time to come into operation at the present Assizes. He should, therefore, propose that it be read a first time now and then printed, and read a second time to-morrow *pro forma*, with the understanding that it was then to be sent to the Committee up stairs, and not to be debated till the Report was brought up.

The Bill read a first time.

WRIT OF CERTIORARI.] Lord *Brougham* said, that his noble and learned Friend, the Lord Chief Justice of the Court of King's Bench, was again prevented by his judicial duties from being present here, and had requested him to say, that instead of proposing the amendments he had before suggested in this Bill he should adopt a different course. He should withdraw the present Bill, as, upon consultation with his brethren on the bench, he found it would be more advantageous to pass a measure in a different shape, but the same in principle. He now, therefore, presented the new Bill, and moved that the old one be withdrawn.

Motion agreed to, old Bill withdrawn and the new Bill read a first time.

PROCESSIONS.] Lord *Farnham* moved for a return of all prosecutions ordered under the Procession Act in Ireland. He did so with the view of finding whether the construction put on the Act by the noble Viscount opposite, was that which the Law Officers of the Crown put on it. It was said by the noble Viscount it was an essential feature in the Act, that the procession should be on the occasion of an anniversary, and that the law did not attach on such processions as did not take place on anniversary days. He found that the majority of the prosecutions had been instituted for processions on anniversary days; but he found also that there had been some for processions on other occasions than on anniversaries. He made the motion because he thought it was essentially necessary that the law should be known. He wanted to see what the Law Officers of the Crown thought of the offence, and their opinion could be best collected from the indictments they had prepared on the subject. He therefore moved for a Return of Copies of Bills of Indictment preferred under this Act, at the assizes at Cavan, for an offence on the 12th July, 1833; at the assizes at Tyrone, for an offence on the 19th December, 1833; and at the assizes at Londonderry, for an offence on the 5th February, 1834. The first was at an anniversary procession; the others were not so.

Viscount *Melbourne*, without saying any thing at all about the Return, or what it would or would not shew, must take the opportunity of declaring that he did not agree with the noble Lord, that in order to bring processions within the Act, they must be on anniversary days. He apprehended that there were general words in the Act which covered all other occasions; and if there were none, it was evident that the Act would be easily evaded, by merely fixing a party procession to take place on the day before or after any particular anniversary.

Motion agreed to.

POST OFFICE.] The Duke of *Richmond* wished to draw their Lordships' attention for a few moments, to a subject of considerable importance. He believed that his noble Friend (the Earl of Lichfield) would not oppose the production of the Return for which he intended to move before he sat down; but still he felt it necessary to preface his motion with a few observations. It was not his intention to make any attack whatever on any individual who was not there to defend himself. He thought it would be wrong—he thought it would be unjust—he thought it would be in bad taste to do so; and he also was of opinion that it would be much better for the public service, if such a course never was resorted to. The object he had in moving for the Return which he meant to call for was, that it should not go forth to the country, that in a period of ten years no less a sum of the public money than 1,097,000*l.* was unaccounted for in the Post-office department. How any individual could have made such a statement was to him most surprising. The return which he held in his hand, and which had been made in pursuance of an order of the House of Commons, proved that the Gentleman to whom he alluded was not correct in the statement which he had made elsewhere. The Post-office accounts were kept under three heads—the gross receipts, the net revenue, and the expense of charge. The Gentleman who had made the charge said, that the two latter items did not come near the amount of the gross receipts. But that gentleman should have read one single line at the bottom of the Return, which would have set him right on this point. If he had taken the trouble to read that line, he would have found it stated—" that dead and returned letters, Parliamentary grants, and other payments made on account of national objects were not included in that Return." It was that very line, their Lordships would observe, that made the whole difference, and he could not understand why the hon. Gentleman had not read that line. The only reason which he could assign for the hon. gentleman's stopping short there was (and he certainly did not wish to make a charge against a person who was absent), but the only reason which he could assign for the hon. Gentleman's adopting such a course was, that he feared the next line would not be found favourable to his argument. When the hon. Gentleman brought charges against the Postmaster-General and against the system at large, was it not surprising that he had overlooked the fact laid down in the Parliamentary Reports, that during the ten years referred to by him the revenue had not sustained any loss by defalcation or arrear on account of any postmaster in Great Britain? If he had read this, it would have shewed him that the Post-office during those ten years was not quite so badly conducted as he had asserted. He did not stand there to defend the Post-office from all the charges which the hon. Gentleman had made against it; that, he had no doubt, would be successfully done by the noble Earl who was at the head of that department. He only came forward to shew to the country that it was impossible that such a sum as 1,097,000*l.* could remain unaccounted for without immediate discovery. The Post-office was placed under the immediate cognizance of the Lords of the Treasury, the receiver-general was appointed by that body, and all the accounts were submitted to the Commissioners of Audit. It was, therefore, impossible that there could be a defalcation, not of a million but of a single shilling, without instant discovery. He was now anxious to move for this return, in order to show the incorrectness of the statement that had been made, being perfectly assured that the details would fully prove how the large sum of money said not to have been accounted for had been expended. The noble Duke concluded by moving for "a return of the gross and net revenue, and charges for management of the Post-office, for ten years, up to December, 1834; together with an account of the manner in which the difference between the gross receipts and the amount of net revenue and charges of management, being 1,097,000*l.*, had been expended.

The Earl of *Lichfield* said, he certainly had no objection to the Motion; on the contrary, he was grateful to the noble Duke for calling for this return; because it gave him an opportunity to make a few observations, in order to remove from their Lordships' minds any impression that might have been made by the statement which had been delivered elsewhere. He did not object to the perseverance which had been shewn by the hon. Gentleman in investigating, as fully as possible, the affairs of the Post-office; he thought that the hon. Member in question had a right to do so. Indeed, if the 1-10th of the abuses which he alleged really existed in the Post-office system, the hon. Member would have been guilty of a gross dereliction of his duty if he had not brought the subject forward. What he did complain of however was, that the hon. Gentleman had not procured better information on the subject, and made himself more master of it before he introduced charges which he (the Earl of Lichfield) had no hesitation in saying had not the least foundation in fact. One of the first charges had relation to the objectionable manner in which the duties of the department were performed. It was asserted that all communications between the Postmaster-General and the Secretary were carried on in writing, and not personally, as they ought to be. He could only say, that while he had held the office of Postmaster-General he had continually attended, and all his recommendations had been punctually followed. The same thing, he believed, might be averred with reference to the noble Marquess (Conyngham) his predecessor in the office—a fact which was borne out by the Commissioners of revenue inquiry. So far for the charge of want of personal communication with the Secretary. Here he could not help complaining of the language which the hon. Gentleman had indulged in when he made charges against a most meritorious public servant—Sir Francis Freeling. If that eminent individual were guilty of any of the offences imputed to him in the statement made by the hon. Gentleman, he certainly would be totally unfit to hold the office which he had filled for so many years. He had not the smallest hesitation, however, in asserting that the statement was not borne out by the facts. During the short time which he (the Earl of Lichfield) had held the situation of Postmaster-General, he had learned to appreciate the truly valuable services of Sir Francis Freeling. That individual had been for 50 years in the service of his country, and during that time he had exerted himself faithfully, industriously, and, he would add, most successfully, in the discharge of his duties. It had been attempted to place the merits of Mr. Palmer above those of Sir Francis Freeling. Now, in 1793, when Mr. Palmer left the office, the revenue amounted only to 705,000*l.*; whereas, in 1834, it had reached 2,579,000*l.* How was this enormous increase of the revenue to be accounted for? Why, by the enlarged accommodation afforded to the public, in consequence of the great improvements made in the Post-office system by Sir Francis Freeling, which made the correspondence throughout the country more secure and more easy. As to the extraordinary misrepresentation made by the hon. Gentleman alluded to, with reference to a sum of 1,097,000*l.* unaccounted for, it was hardly necessary to trouble their Lordships with a single observation on such an extravagant assertion. Still, however, when charges of this kind were gravely sent forth, he feared that a great number of people might be led to think that there was some foundation for them. But the difference between the gross receipts and the net revenue and the cost for management was at once accounted for, when it was understood that large outgoings were not included in the charge for management, those outgoings amounting exactly to the sum which it was said had not been accounted for. Then came a charge of embezzlement of the public money to the amount of 2,500*l.*, which was charged for greasing and keeping wheels in repair. That sum, the hon. Gentleman stated, he was quite sure, never found its way beyond the walls of St. Martin's-le-Grand. Now, this sum was really expended in the manner stated. To insure the safety of the mail-coaches, it was thought necessary to examine them every day, in order to ascertain, when they came into town, that they were in a fit state to go out of town again. Hence this expense, which was the only charge for mail-coaches that the public was subjected to. The rest was defrayed by those who entered into the contract. Complaint was also made of the Return to the order of the House of Commons relative to the money-order office. The Return was, that the office was a private establishment, and that no information could be given respecting it. The fact was as stated—it was a private establishment. It was asserted, that it had been set on foot with a view to economy, to enable individuals to send money free of expense to different parts of the empire. No such intention was ever entertained. The object of the office was to give security to poor people when sending small sums to their relations or friends. That object had been fully answered, and poor people were secured from those losses to which otherwise they would perhaps be subjected. If their Lordships, however, could adopt any other plan by which money might be remitted with equal safety, and at a less expense, those who were at the head of the department would at once adopt it. Again, the hon. Gentleman had asked why the country should be burdened with an expense of 30,000*l.* a-year on account of mail-coaches? No such burden existed. The coaches under the contract were not 1*s.* expense to the country beyond the 2,500*l.* to which he had already adverted. He had no doubt that the papers now moved for, and the statement made by his noble Friend, would place this subject in its true light. Certainly, an establishment which had enjoyed and did enjoy, the confidence of the country, ought not to be charged with errors for which there was no foundation whatever.

Lord *Wallace* wished the Post-office to be clear of suspicion, and was happy to say that the explanation of the noble Duke had been, to his mind, perfectly satisfactory. He had, indeed, previously expected some such elucidation, and he was glad that it had been made, for without it the matter would have been subject to much misapprehension. He did not defend what had been stated in another place; indeed he perfectly agreed that many of the charges that had been brought forward were completely erroneous. With respect to the explanation given by the noble Earl, as to the Money-order office, he begged to say that in his opinion that office was a great public accommodation. He quite agreed with the noble Lord (the Postmaster-General) that mail coaches did not, in point of fact, cost the country a single shilling. With regard to some details connected with the Post-office, he believed that his views and those of the noble Duke near him were somewhat at variance; but they differed only on points upon a discussion of which he felt it unnecessary to enter. He anticipated the most beneficial effects from the labours of the Commission which had been appointed to investigate the subject. He was satisfied that that Commission would bear in mind the principle on which the institution of the Post-office had been established, as well as the purposes which it was meant to answer. He should detain their Lordships no further than to express his sincere conviction that whatever alterations or amendments in the system were made by this Commission, they would have no other effect than that of promoting the comfort, satisfaction, and commercial interests of the whole community.

Lord *Maryborough* thought it unnecessary to add a word, with respect to the general management of the Post-office, to the very satisfactory statement which had been made by the noble Duke and noble Lord, the Postmaster-General. It would unquestionably be a work of supererogation for him to enter into any further defence of the general principles on which the departments of the Post-office were conducted. He had, however, another object in addressing their Lordships on that occasion, and that was, to endeavour to do justice to those officers who had served under him while he had held the office of Postmaster-General. He found, by a Report of a speech which had been spoken by a noble Lord (Lord Lowther) in another place, that it had been stated that whilst he (Lord Maryborough) had been Postmaster-General, the "officers under him had shown great reluctance and obstinacy in giving information to the Commissioners appointed to inquire into the Post-Office; that they had, in fact, set the Commission at defiance." This extract he had taken from the speech of the noble Lord to whom he had alluded, but which, from the expressions used in it, he could not consider to be altogether correctly reported. In answer to the charge which it conveyed, he should only say that when he held the office of Postmaster-General, he felt it his duty to make it generally known to the officers, that they were bound to give every information which was required by the Commissioners, to comply cheerfully with their suggestions; in fact, to go hand in hand with them, in the inquiry, and act in every respect in compliance with their wishes. He felt pleasure in being enabled to state that whilst he remained in office there was not the slightest complaint of any obstinacy being shown by the officers, or of a determination exhibited by any one of the officers to withhold any information which they possessed. On the contrary, he had every reason to believe that every information which could be required was readily given, every return asked for was as soon as possible supplied, and the greatest anxiety evinced by every person in the department to forward, as far as lay in his power, the object of the Commission. Under these circumstances he certainly felt very great surprise when he read the statement which had been put forward in another place, and to which he had already directed their Lordships' attention. But in order to see whether there was even any ostensible ground for such a charge, he had that day taken pains to make every inquiry into the subject, and he found that thirty precepts had been issued by the Commissioners, and that seven or eight of the officers of the Post-Office had been examined before the Commissioners. He stated to them what had been mentioned in another place, and asked them whether, in their examination before the Commissioners, any expression had fallen from the Commissioners, which could lead them to believe that the impression on their minds was, that they (the officers) had shown any backwardness or disinclination to give every information in their power to the Commissioners? They answered that they felt convinced that they gave the Commissioners the most perfect satisfaction, and that they had not made use of a single expression which could lead them to a contrary opinion. He perfectly agreed with the observation which had been made by the Chancellor of the Exchequer on the occasion when the noble Lord, to whom he had before alluded, delivered the speech, and from which he had already read. The right hon. Gentleman, the Chancellor of the Exchequer then remarked, that if the noble Lord found any disinclination on the part of any of the officers to afford the requisite information to the Commissioners, he was bound to take such steps as would enable the Government to dismiss the individual who was guilty of such reprehensible conduct. He concurred fully in that opinion; and so far as he was himself concerned, he could only say, that if the noble Lord had brought forward any charge of this description before, he should have taken care to examine it most closely, and if the explanation made by the officer against whom it was preferred was not satisfactory to him (Lord Maryborough) and the Commissioners, he should have had him immediately removed. But was it not a most extraordinary thing that if these officers had acted as was described not a word on the subject had ever been mentioned to the head of the department. He had felt it to be his duty to offer this justification of the conduct of the officers who had acted under him; and after what he had stated he left it to their Lordships to decide whether the imputations which had been cast upon them were well founded. He must also beg of his noble Friend (Lord Rosslyn, we believe), who was at that time head of the Commission, to state whether the slightest opposition had been offered to the progress of the inquiry. If his noble Friend should corroborate his statement he did not think it would be necessary to say more to exonerate the officers from all blame. He had, as he before said, studiously avoided going into any detail on this subject; but he felt that he should be acting unjustly, and neglecting to fulfil his duty to the public, if he did not notice the manner in which a public officer, a man of integrity, ability, and zeal (he alluded to Sir Francis Freeling) had been spoken of in another place. It appeared to him that the object of the general statement made elsewhere by an hon. Gentleman was, to lay the grounds for the dismissal of Sir Francis Freeling; but he (Lord Maryborough) had looked in vain for a single specific fact in the whole address which could warrant such a proceeding. The whole tenor of the speech seemed to be directed to the end of impressing on the public mind that this worthy man was not fit for his office, and to make the public believe that it was desirable he should be removed. When, however, he came to examine the whole of the hon. Member's case, what direct charges did he find in it? None. It was not pretended that Sir Francis Freeling had been guilty of peculation, of disobedience of orders, of showing undue favour, that he had been guilty of any one act which could be charged against a public officer, as a dereliction of his duty. All the nominal charges against him resolved themselves into this:—that he had contrived to arrogate to himself all the powers of the Postmaster-General, and that he had used the trust thus acquired in such a way as to render him fit for the possession of his office. He could only state how he (Lord Maryborough) himself felt and acted when he undertook the duties of the Postmaster-General. When he found such a man as Sir Francis Freeling in the situation of Secretary, he did not hesitate to avow that he should have displayed a want of common sense and honesty if he had not endeavoured to make every use he possibly could of his experience and talents in the management of the department over which he was placed. He took his assistance and advice on all occasions; he called to his aid his experience of fifty years; his talents almost unequalled, and his assiduity never surpassed. When he spoke of the mental powers of Sir Francis Freeling, he hoped that he might be allowed to state it as his opinion that his faculties (which were elsewhere said to be in a state of decay) were in as full vigour, and as capable of exertion, in almost any department, as those of any of their Lordships. It had been next stated by the hon. Gentleman, that the Postmasters-General were under the complete control of the Secretary; that Sir Francis Freeling made any statement he pleased, which the Postmaster-General took for granted, and acted on without giving it any further consideration. He would honestly state to their Lordships how he, and he made no doubt, his predecessors, had proceeded in this respect. He perfectly agreed with a noble Lord opposite, who stated that it was not only the duty of the Postmaster-General to hold close and constant intercourse with his Secretary; but if he desired to perform his duty strictly and efficiently, he was bound to act and examine for himself in the department over which he was placed. There were, however, frequently matters of the greatest moment to be quickly considered; a variety of papers to be looked into narrowly, which the Secretary made his observations upon, and submitted to the Postmaster-General. So far from thinking this a vicious, he considered it (if the Postmaster-General did his duty) an admirable mode of proceeding. During the whole time that he was Postmaster-General, as well as during the period which his predecessors held office, every paper which belonged to any case was sent to the Postmaster-General by the Secretary, with a minute explaining his views, and sometimes conveying his opinion in very positive terms. If the Postmaster-General signed his name to the minute, and there was an end of the matter, there might be some ground for the attack which had been made on the Secretary. But if it were found that the

Postmaster-General read every paper which was sent to him—that he sometimes had fifty or sixty sheets in a single packet to examine—and that he always came to a decision on his own judgment; if such, he repeated, were ascertained to be the facts, then the charge which had been so boldly urged against the Secretary must of itself fall to the ground. He could himself state that many such cases had come under his own cognizance, in some of which he had given a directly contrary judgment to that which the Secretary had expressed; and he was proud to add, which was much to Sir Francis Freeling's credit, that whenever he differed from that Gentleman, he had invariably shown the strongest inclination to come into the views of the Post-master-General. But taking the charge of the hon. Gentleman at its fullest extent, it only amounted to this—that the Post-masters-General had so neglected their duty as to enable him to assume an authority over them. Who, then, was to blame? Surely, if there were any delinquents in the case, they were the Postmasters-General. The hon. Gentleman, in expatiating on the extraordinary degree of power which the Secretary obtained over the Postmasters-General, went the length of saying, that the Postmasters-General were the "apprentices" of the Secretary; and he added, that if he (Lord Maryborough) had remained long enough in office, there was a chance of his becoming a man of business. Now, in the first place, he must be permitted to say, that if the word apprentice, as it had been used by the hon. Gentleman, was to be taken in its strict sense—that is, a person prepared to yield implicit obedience to a master—to him it was perfectly inapplicable. If, however, the hon. Gentleman meant it in this sense—that acting under such a man as Sir Francis Freeling he was more likely to become a man of business, he fully admitted the justice of the observation. He unquestionably must admit that the charge of infirmity which the hon. Member had not neglected to bring against him was well founded. With respect to his qualifications for business, he could not forget that he had been many years in important offices, that he had had a great deal of labour to perform, and that if he had not become a man of business from this experience, he despaired of ever attaining to that distinction. He felt it would be a disgrace to England if such a man as Sir Francis Freeling was to suffer in public estimation—if he were to be driven ignominiously from his station in consequence of the vague statements which had been made against him. He had only to express a hope, that whatever change was made in the Post-office—whatever new system was adopted by the Government, that the services of this great man would be secured to this institution, for they were the best guarantee for its utility and permanence. He should only allude to one more of the various statements which had been made by the hon. Gentleman to whom he had so often referred, and that was, the declaration which he made, that letters containing money were generally stopped, the envelopes burned, and the money put into the pockets of the officers. Now, to show how unlikely such a practice was, it would be only necessary for him to remind their Lordships that an oath against doing anything of this kind was taken by every Postmaster-General, and that, moreover, it was considered by the law in the light of felony, with the punishment of death. The hon. Gentleman had stated, that he could prove such acts to have been done. If this were so, and the hon. Gentleman had neglected to institute or to give his evidence in prosecutions for this offence, he (Lord Maryborough) very much doubted whether he should not be considered accessory to felony, and it would not at all surprise him if Mr. Peacock, the Solicitor to the Post-office (whom the hon. Gentleman castigated in one part of his speech and praised in another) were to take such steps as would persuade him that he had neglected his duty in conniving, as it were, at a breach of the law.

The Duke of *Wellington* was of opinion that this discussion had proceeded far enough, particularly as it all rested on the reports of a discussion in another place, which reports might not, perhaps, be exceedingly correct. He was not astonished that the noble Lord (Maryborough) had felt surprised at a speech which had been attributed to a noble Lord elsewhere; but he (the Duke of Wellington) was perfectly convinced that that noble Lord must have been misrepresented.

Lord *Rosslyn* was perfectly ready to bear testimony to the promptitude with which the officers at the Post-office had acted in promoting the objects of the

Commissioners. Had they, indeed, acted otherwise, or offered the least resistance, it would have been unpardonable in him if he had not taken the most prompt and immediate steps to meet it.

The Duke of *Richmond* said, that there was one more Return for which he felt bound to move. In doing so, he wished to express his full and entire concurrence in every thing which had been said by the noble Lord (Maryborough) relative to the conduct and character of Sir Francis Freeling. He could add to the eulogies which had already been pronounced on him, that, when he (the Duke of Richmond) came into office, he had many changes to propose which went directly contrary to the old system and ancient prejudices existing under it; and he was bound to say, that no man could co-operate more zealously and energetically in carrying those changes into effect than Sir Francis Freeling. He rose now to revert to the Return for which he proposed to move. It had been said, that there were a great many married women Postmistresses, whom he had dismissed. He certainly had done so in many cases, because there was a great danger of defaulters, and a great difficulty in recovering the public money, whilst married women were allowed to be Postmistresses generally throughout the country. He saw no such objection, however, to the appointment of respectable widows, in small towns, where the duties were light, the salaries 10*l.* or 11*l.* a-year, and the letters not, perhaps, amounting to fifty within that period. Yet it was urged against him, as an inconsistency, that he opposed the appointment of the former, and showed a disposition to favour the latter description of Postmistresses. Now, with respect to the charge of his use of patronage, which had been made against him, he believed it was very well known that the Treasury had the whole of the patronage of the Post-office. He brought the subject of patronage, as exercised by the Treasury, under the notice of Lord Spencer, and called his attention to the fact that many meritorious officers had passed many years in the general department of London, whose salaries were large, and their retiring allowances, from the length of their services, considerable. He had suggested to his noble Friend that, instead of giving up the whole of this patronage to the Treasury, which was going a little too far, such officers as those to whom he had alluded, should be appointed Postmasters in the great towns throughout the country, wherever a vacancy worth their acceptance might occur. Thus the services of useful and efficient officers would be secured to the public, and large salaries and retiring allowances saved. He did not wish to speak on a matter in which he was personally concerned, but he might, he hoped, be allowed to say, that the first office, with respect to which he had carried this principle into operation, was that of the town of Brighton, to which his brother, as Member for the county, had the privilege of recommending a person, but to which, when a vacancy had occurred, he had appointed an individual who had served an apprenticeship of thirty years in the establishment of London. He would only say, in conclusion, that if any man in the House of Commons or in the country thought that he had committed a single job during the time that he held office, or neglected to have performed a single duty which he was bound to perform, he called on that Gentleman to petition that House or the other House of Parliament, in order to put him on his trial. He defied the hon. Gentleman who had already preferred charges against him, or any other person, to bring forward any proof that he had violated those obligations which he owed, not only to the public, but to his Sovereign, for having appointed him, and to Earl Grey for having recommended him, to the office he had the honour to hold. He concluded by moving for the Return of the number of married women who held the office of Postmistresses in the years 1830, 1831, 1832, and 1833.

Return ordered.

## HOUSE OF COMMONS,

### *Monday, July* 13, 1835.

Minutes.] Bill. Read a third time:—Seamen Enlistment; Offences against the Person; Agra Government.—Read a second time:—Real Property.

Petitions presented. By Sir John Hobhouse, from the Postmasters of Nottingham, against the Post-Horse Duty.—By Sir Ronald Ferguson, from Nottingham, for the Repeal of the Poor-Law Amendment Act.—By Mr. R. Heathcote, and Mr. J. P. B. Chichester, from Henly, Shelton, and Barnstaple, for the Repeal of the Duty on Newspaper Stamps.—By Mr. Hurst, from Horsham, for the Repeal of the Duty on Spirit Licenses.—By Mr. James Oswald, from Glasgow, for an Alteration of the Law regarding Tonnage Admeasurement; also against any Alteration in the Timber Duties.—By Mr. Freshfield, from the Society of Attornies, Proctors, &c., for the

Repeal of the Duty on Attornies Certificates.—By Messrs. BRUEN, RANDALL PLUNKETT, and an HON. MEMBER, from several Places,—in Support of the Protestant Church of Ireland.—By Dr. BOWRING, from the Hand-loom Weavers of Kilmarnock, for a Board of Trade.—By Mr. SHARMAN CRAWFORD, Mr. O'CONNELL, and an HON. MEMBER, from four Places,—against Tithes.—By Mr. P. B. THOMPSON, Mr. HOGG, and two HON. MEMBERS, from several Places, against Parts of the Municipal Corporations' Bill.—By Mr. RICHARD HEATHCOTE and Mr. KEMYSS TYNTE, from Stoke-upon-Trent and Yeovil, in favour of, and by Lord SANDON, from Liverpool, against the above Bill.

DROGHEDA ELECTION.] Mr. *O'Connell* presented a Petition from A. C. O'Dwyer, Esq., late Member for the town of Drogheda, complaining of the present state of the Election Law, under which his election for the town of Drogheda had recently been declared void. The petitioner, after setting forth the grounds upon which he thought a general legislative measure necessary, earnestly prayed the House not to allow the present Session to pass away without the adoption of some measure calculated to prevent the recurrence of those instances of injustice, of one of which he conceived that he had now a right to complain. The hon. and learned Gentleman expressed his full concurrence with the petitioner, that he had much reason to complain, and he was sure of this, at least, that no lawyer in Ireland would consider that the qualification of Mr. O'Dwyer, against which the Committee had decided, was otherwise than good and sufficient. The point upon which the Committee decided against the election of the petitioner was this —could a person holding a lease for three lives, with a clause of perpetual renewal, grant a qualification to a fourth person for his life? Now the Committee, contrary to the opinion of some lawyers who were members of it, and clearly against the opinion of what the petitioner was pleased to call some of the highest legal opinions in Ireland, decided that the grant to Mr. O'Dwyer did not constitute a sufficient estate to form the qualification for the representative of a borough in that House. Let it be recollected that the Act did not require a strictly legal estate, but expressly declared that an estate in equity was equally good; and Lord Redesdale had decided that a lessee holding such a lease was dispunishable of waste; in fact, he treated him, and so had he always been treated in Ireland, as the inheritor. The petitioner, therefore, conceived that the decision of the Committee was illegal; at the same time that nothing was further from his wish than to impeach the honour or integrity of the Committee. The petitioner then called the attention of the House to the fact that he had 320 votes, while his opponent, the hon. Gentleman opposite, had only 131, giving him a majority of 189; that, therefore, the hon. Member who had been declared duly elected, did, in point of fact, represent the minority, and not the majority. For these reasons the petitioner prayed the House that it would pass an Act regulating the election of Members of Parliament.

Mr. *Williams Wynn* considered the present petition in the nature of an appeal from the decision of the Committee. [" *No, no.*"] It brought charges against the Committee. That Committee, as all hon. Members must know, exercised its powers under the authority of an Act of Parliament; it exercised a power which the House did not possess, and if every party against whose claim a Committee were to decide possessed the privilege of coming before that House, and protesting against the decision as erroneous, he wished to know what the members of the Committee were to do? Were they, in every instance, to get up in their places in Parliament and say they were right, and defend their decision? If the House were to sanction that, it would amount to a denial and repudiation of the principle which took the power of decision from the great body of the House, and placed it in the hands of a Committee. In his opinion, it was not competent to any petitioner, addressing that House, to question the decision of an Election Committee.

Mr. *O'Connell*:—The right hon. Member could not have understood what he said, or else he could not have made those objections. If the right hon. Member did understand what he (Mr. O'Connell) had said, his objections would lead to the most monstrous mischief. This petition prayed for legislative relief prospectively, and had no connection whatever with the recent election. It did not impeach, in the slightest degree, the seat of the present hon. Member for Drogheda, nor did it impeach the integrity of the Committee. On the contrary, it set up a point of law, and complained that the Committee had decided on that point, taking it for granted that the Committee had decided rightly. But the petitioner further prayed legislative relief from this law. There was no appeal from this Committee, and the law so laid down would be taken as a precedent by other Committees; and, under these circumstances, the only remedy was to come to that House for legislative relief. This decision was unexpected, and was contrary to the opinion of the legal men most conversant with those matters; but this petition did not impeach the legality of the decision, or integrity of the Committee, but merely prayed that the House would legislate on the subject.

Mr. *Wynn* said, the petition distinctly questioned the legality of the judgment. The House had no authority to pronounce whether the Committee had or had not decided rightly. They could only legislate for the future. The petitioner alleged "that he was prepared to prove that the decision which had removed him from his seat, and which had deprived his constituents of their representative, was illegal." Now, he would ask, was not this a direct impeachment of the legality of the decision? They might as well say, that all election petitions should be decided by a majority of the House, as in the time of Sir Robert Walpole, who said that, in his eyes, the merit of the petitioner established the validity of the petition.

Mr. *Warburton* observed that the House were not much in the habit of considering the language of petitions with such extreme strictness as there appeared a disposition to practise on the present occasion. It appeared to him that the petitioner said this—"the Committee having decided in favour of the hon. Gentleman who now represents Drogheda, their decision makes him legally the Member." But the Committee were mistaken in the law of the case. Committees so constituted were particularly liable to such mistakes; and, he, therefore, prayed the House to provide a legislative remedy for the future. If they rejected the present petition, they would shut the door to a class of complaints, to which, in his opinion, they were bound to give attentive consideration; and they would go further—they would, in effect, declare that the law which governed Election Committees was quite perfect, although, in private, hon. Members did not scruple to pronounce upon them unqualified condemnation. The House could not have forgotten the case of Mr. Halcomb, who, having given an imperfect description of his qualification, applied for, and obtained leave, to correct that description. Yet here was a decision directly opposite. The complaints against Election Committees were universal; it was, therefore, high time that election petitions should be referred to some other tribunal. There might, he thought, be three or four standing Committees appointed, perhaps by the Speaker, with an eminent lawyer to preside at their sittings, and inform them what the law really was; and moreover, they should not deliberate in any case with closed doors; the public should not only know their decision, but the grounds upon which it was made.

Colonel *Wood* said, that as the only Member of the Committee who happened to be in the House, he thought it incumbent on him to say a few words. He would not, however, enter at all on the abstract merits of the case, as it was not his wish to cause any extended discussion; but he would say, that never did a Committee sit more fully impressed with a sense of the extreme difficulty of the case brought before them, and who were more anxious to do justice to it to the full extent of the oath which they had taken. The question which the Committee had had to decide was this, whether a person having a lease for the lives of two other persons, could grant to a third person an estate for his life, such as would constitute the qualification required by the Act. Had this been an English case, there would not have been a moment's doubt about it in the Committee; but there had been an Irish Act passed, giving leases held in perpetuity the character of a freehold; and the Committee had decided that, in the present case, although the qualification did approach in its nature to a freehold, it was not exactly of that kind which the Act required.

Mr. *Sheil* supported the prayer of the petition. What it said was, that although the decision of the Committee was incontrovertible, its judgment was not infallible. It had nothing to do with the sitting Member; its object was simply an amendment of the law, to be applied to future elections. It was a singular feature in the case, that the only lawyer in the Committee, the person who might naturally be supposed to possess the soundest judgment in points of law coming under its decision, was clearly of opinion that Mr. O'Dwyer's qualification was a perfect one. In Ireland, leases renewable for ever had ever been considered as a good qualification. There was no attempt in the petition to impugn the integrity of the gentlemen composing the Committee; and if it were not received, it would be almost tantamount to saying that the Grenville Act, with all its deficiencies, was never to be interfered with.

Colonel *Perceval* agreed with the hon. Member who had just spoken, that some alteration should be made in the mode of deciding election petitions. He could not go the length of the hon. Member for Tipperary, who asserted that a lease of lives, renewable for ever, was equivalent to a perpetuity. He was no lawyer, however, and would not dispute the point. With regard to the introduction by the hon. and learned Member for Dublin of the account of the majority and minority for the candidates, he thought it highly improper. Although he had stated the number voting for the unseated candidate, he had omitted to state, that between two and three hundred had been deterred by intimidation from coming to vote for his hon. Friend, and that 116 who voted against him were coerced so to vote, contrary to their better judgment. Elections in Ireland should be regulated differently from what they were, for there existed at present in that country an influence which it was impossible to contend with, which it was difficult to come at, but which most effectually coerced those opposed to it in opinion. It was incumbent on the Parliament to do something to remedy this evil. As the law stood, a man might go to the hustings with a consciousness of success, which, notwithstanding, would be defeated by the operation of that unseen influence, and the effect of the underhand dealing resorted to further its ends. The Legislature should also amend the defect of qualification, and correct the evils which flowed from it. In his opinion, a qualification should be made available for the debts and expenses of a Member, even while in Parliament, otherwise there would be a perpetual recurrence of the humbug exercised every day. He thought the House far too liberal in fixing the amount of qualification; at all events, far too liberal in the practice which existed respecting it. With respect to the petition before the House, he should only say, that, as in his opinion, it implied an imputation on the Committee, he should vote against its reception.

Mr. *Henry Grattan* denied, that there had been any intimidation practised towards the opposite party by the electors who voted for the petitioner. It was true, that a great number of electors did not vote, but it was because they saw the overwhelming amount of votes to counterbalance them, not because they were prevented from doing it. He admitted, that there was, as the hon. Member for Sligo remarked, an influence at work in Ireland; but it was an influence solely arising from the universal feeling of the people. The hon. Member had charged the party who supported the late Member for Drogheda with practising intimidation; but he (Mr. Grattan) could charge the other party in the late election for Meath with parading about with weapons in their hands, headed by a Protestant clergyman armed with pistols. It was the general opinion of Irish lawyers, that a tenure for life in Ireland was equivalent, as far as regarded the validity of Parliamentary qualification, to a fee-simple in England. With respect to the last assertion of the hon. and gallant Member for Sligo, that the petition should be rejected on the grounds that it impeached the decision of the Committee who tried the former petition, he had only to observe, that if his doctrine were to be adopted, no petition against the decision of a Committee could ever be presented to that House. He trusted the House would take into consideration the mode of appointing Committees, and secure the rights of individuals as well as the rights of Parliament.

Mr. *Randall Plunkett* begged to give the most unqualified contradiction to the assertion of the hon. Member for Meath, that he had exerted the influence of force in the late Meath election, or that he had attempted on that occasion to overpower the exercise of the franchise by violence and intimidation. He also begged to state, that he need never have expended the money, and time, and trouble he had, to obtain a seat for that county, if he chose to have recourse to equal violence with that manifested by the hon. Member's supporters. There was another allegation of the hon. Member to which he was happy to have it in his power to give a distinct and unqualified denial also; it was that which charged a Protestant clergyman with heading an armed mob, himself armed with pistols. No such thing ever occurred, or could occur, among the respectable

Protestant clergy of that county; besides which, the Magistrates were on the spot, and no body of men could be more active and more determined to do their duty. With respect to the majority of the late Member for Drogheda, he should only say, that in a constituency of 596 voters, 145 were prevented from coming in to vote by the system of intimidation which had been practised towards them.

Mr. *Henry Grattan* wished to know whether it was not the fact, that the High-sheriff of the county, Sir Marcus Somerville, had disarmed an Orangeman in the County Court-house on the day of the election; and whether swords had not been taken from them?

Mr. *Robinson* deprecated discussion on these subjects. He should vote for the reception of the petition, because it would have the effect of bringing the subject of Election-law under the notice of the House. It was objected to Election Committees that the Members composing them were generally ignorant of the law, and the objection was in most cases a good one. But there was a still stronger objection to them in the fact that they were improper judges, as it was universally admitted that party spirit influenced them. When he reminded hon. Members, that in the phraseology of the House, a Committee was termed "a good one," or "a bad one," according as the political opinion of the majority of its Members were in accordance with or contrary to those of the individuals petitioned against, he believed he need hardly mention any stronger circumstance to condemn them. In the course of the present Session, he (Mr. Robinson) had received a printed circular, calling on him, on the supposition of his entertaining certain political opinions, to attend the House when Election Committees were to be ballotted for; to the end, he presumed, that he might in that, as in other respects, give his aid to the party calling on him. He trusted that whatever might be the immediate result of the petition before the House, it would have the effect of inducing some improvement in the constitution of Parliamentary Committees. As it existed at present they were a disgrace to the House and an injustice to the country.

Mr. *Lechmere Charlton* should vote for the reception of the petition, if it were only to place Committees of the House on a more respectable footing than they were at present; and to put a stop to the scandalous practices which avowedly existed. He would be understood, however, to cast no imputation on the Committee alluded to in the petition, for the reason that he knew nothing whatever of them, or of the proceedings which gave rise to it.

Mr. *Charles Buller* begged to remind the House, that he had a Motion for the alteration of Election Committees on the paper of the House; and he hoped that he should have the advantage of their votes as an additional proof of the indignation which they manifested in their speeches.

Mr. *Ronayne* regretted, that no allowance had been made for the ignorance manifested by the people of Drogheda of a law which the Members of the Committee professed they did not know themselves. With respect to the statement of his hon. Friend, the Member for Meath, that the Orangemen had been armed at the election for that county, he should, in corroboration of it, only refer the House and hon. Members who doubted it, to the evidence of Mr. Despard, taken before a Committee.

Mr. *Maurice O'Connell* corroborated the statements made by his hon. Colleague in reference to the armed intervention of the Orangemen at the Meath election. A sword-cane had been taken on that occasion from a person in the gallery of the Court-house, on the day of nomination, by the High-sheriff, which person appeared to belong to the party of the hon. Member for Drogheda.

Mr. *O'Connell* should not have spoken in the debate, but that the hon. Member for Sligo had introduced the irrelevant topic of intimidation into his observations on the subject of it. What was the fact? Sixteen or seventeen petitions had been forwarded from Ireland, in all of which intimidation had been stated; but in all of them not a single case had been proved, and in a majority of them no evidence had been gone into to support it, though the question was open to the petitioners to do so. It was too bad; but that was the way in which the people of Ireland were always calumniated. The hon. Member for Sligo had said, that he was no lawyer, which was the fact. But the hon. Member had not stated the fact because of his ignorance of law, when he said that qualifications were not liable to the debts of the party possessing them. They were so. But that was not the object of the Question before the House. The great advantage of the discussion which had arisen on the petition of his hon. Friend was, that no one had attempted to justify the constitution or proceedings of Parliamentary Committees. Though composed of the first Gentlemen in the country, Members of that House, their decisions were universally complained of—complained of, too, to an extent really frightful. The hon. Member opposite had taken his law of qualification from the case of Bateman in the House of Lords, but he could assure the hon. Member that his argument was not tenable. Much had been said on the subject of intimidation at the Drogheda election. He (Mr. O'Connell) had directions from Mr. O'Dwyer to state that, if the allegations on that subject were persisted in, he had the fullest evidence to prove their falsity. The Committee was still open, and why not try them? With respect to the statement made by the hon. Member for Meath, of the conduct of the Orangemen, and their being headed by a Protestant clergyman, he could say nothing of his own knowledge, but he had heard that it was so. He had, however, seen large bodies of Orangemen enter and leave the town of Trim on the first day of the election, but he had seen only two bludgeons with them. He had subsequently learned that a life was lost in Navan. To the peaceful demeanour of the townspeople—40,000 of whom, at least, were there collected—he could bear the highest testimony. He trusted the discussion would lead to some amendment in Election Committees, and the law of elections. If the hon. Member for Middlesex did not bring forward a Motion to that effect, in the measure he had before the House, when in Committee, he (Mr. O'Connell) meant to move as an Amendment to one of the Clauses that property to a certain amount in the public funds should confer a qualification, and also an instruction that no Parliamentary Committee for the future should have power to try whether a lease of lives be equivalent to a fee-simple; but that that branch of the subject should be left to the Legislature at large.

Colonel *Perceval* explained. He meant that the qualification should be liable for the debts and expenses of a Member while in or out of Parliament. With respect to the statement of armed Orange intervention at the Meath election, he was glad to see it reduced to a sword-cane.

Petition to lie on the Table.

TITHES—CHURCH OF IRELAND.] Lord Morpeth moved that the Tithes and Church (Ireland) Bill be read a second time.

Lord *John Russell*: I have received his Majesty's commands to state that he has been graciously pleased to place at the disposal of this House, for the purposes of this Bill, all his Majesty's interest in any benefices and Ecclesiastical dignities of the Church of Ireland.

Bill read a second time, to be committed on Monday.

SUPPLY—WESTERN AUSTRALIA.] The House went into a Committee of Supply.

Mr. Francis Baring moved, "That a sum not exceeding 7,417*l.* 1*s.* 8*d.* be granted to his Majesty for defraying the expenses of the settlement in Western Australia, from the 1st of April, 1835, to the 31st of March, 1836."

Mr. *Hume* protested against this grant, which was in violation of the pledge given on the establishment of the colony. He wished to know how many of the original settlers remained, and what were the expenses of the colony? They should either withdraw, or be compelled to support themselves.

Mr. *Baring* was not prepared to inform the hon. Member as to the expenses further than was set forth in the estimate, all the items of which he knew to be necessary.

Mr. *Hume* was of opinion that, under those circumstances, it would be expedient to postpone the Resolution until the necessary information could be obtained.

Mr. *Horace Twiss* observed, that all the persons in the colony would be starved if the grant were withheld.

Mr. *Warburton* asked why, as the colony of Western Australia was established, not under Government, but under private auspices, it should have an establishment like that at Southern Australia, which was a Government colony.

Mr. Hume moved, as an amendment, "That the sum be reduced to the grant of last year, namely, 5,806*l.* 5*s.*"

The *Chancellor of the Exchequer* hoped his hon. Friend would not press his Motion to a division, as great inconvenience would be experienced by delaying or circumscribing the grant.

Mr. *Hume* certainly would not press the Committee to a division on that occasion; but on the bringing up of the Report, he should feel it to be his duty to take the sense of the House upon the point.

Grant agreed to.

CANADA.] On the Resolution for a grant of 34,500*l.* to complete canals and other water communications in Upper Canada,

Mr. *Hume* inquired if the Government had had any communication with the authorities in Canada respecting the large expenditure of money that had already been incurred to extend water communication in that country. Upwards of 300,000*l.* had already been laid out on those canals, and it would require a million, he understood, to complete them. He was afraid they would turn out as bad a speculation as the Caledonian canal. The tolls received at present did not amount to one-half the interest on the expenditure. It would be much better to let the Canadian Government take the whole affair into its own hands, and make it a present of the million, than have anything more to do with the undertaking.

The *Chancellor of the Exchequer* said, that the offer had been made to the Canadian government to give the undertaking up to it, even at the loss of the money which had been expended, but the Canadian government had refused to take it. He thought it would have been better if Parliament had never sanctioned such an expenditure, but as the works had gone so far it would be bad economy to leave them unfinished. With respect to the tolls, he believed that when the canals were finished they would be productive.

Mr. *Fitzstephen French* declared he could not allow this vote to pass over in silence. He felt it his duty to call the attention of the House to the different system adopted towards Canada, a distant and half alienated colony, and that adopted in everything relating to Ireland, an integral portion of the empire. It could not be better exemplified than it was in the estimate now before the House. Government, after the expenditure of upwards of a million on the formation of this canal. admitted on all hands to be merely a work of local improvement to the country in which it is situated, and which, enjoying all its advantages, refused to pay the sum of money required to keep up the works, the tolls not being sufficient, came down to the House for a further sum of 35,000*l.* for this purpose; while, in the next estimate, we find a paltry sum of 1,000*l.* was proposed for the works on the most important navigation in the British empire, the river Shannon, the benefit to be derived from which the nation had been so long deprived of for want of a trifling expenditure. Was this, he would ask, a line of conduct a wise or fostering Government ought to pursue. It was now more than two months since the right hon. the Chancellor of the Exchequer undertook, on the part of his Majesty's Government, to introduce a Bill for the improvement of the river Shannon; and as he was aware that Bill was now ready, he trusted his right hon. Friend would not delay bringing it before the House. Considering the late period of the Session, and the quantity of business to be got through, he felt it his duty to press him on this point. Neither for commercial intercourse, nor in a military point of view, was the Rideau canal to be placed on a level with the Shannon. The former was inferior to the latter in extent, in the proportion of 140 to 230 miles, of navigation; inferior to it in its locality, as far as the trade of England was concerned, and it ran through a country so little peopled that this country was obliged to build block-houses, at the expense of 30,000*l.*, to place individuals to guard the banks from the accidents they were liable to from floating timber, &c. As a military work no man of common sense could be persuaded that any canal merited that name which ran through a wild uninhabited country—actually an unreclaimed forest—close to the enemy's position; in some places the waters dammed up to the height of forty-five feet over the land of the adjoining country; a work liable to be destroyed by a few men in a few minutes; why, the idea of maintaining these extended works and embankments in case of war was little short of delusion. On looking over this estimate, the sum of 23,000*l.* appeared for compensation to the owners of land taken up by this canal; compensation for unreclaimed land; compensation for quadrupling the value of the estates through which it passed. He trusted his Majesty's Government would be enabled to give some satisfactory explanation on this subject, and that at least they would give some assurance that this would be the last time the House would hear of compensation for damage done in cutting a canal through an unpeopled country.

The *Chancellor of the Exchequer*, in reply to the question put to him by his hon. Friend, assured him he would introduce the Bill for the improvement of the Shannon with as little delay as possible; at all events, he would pledge himself to carry it through this Session.

Resolution agreed to.

Heligoland.] On the question that 963*l.* 0*s.* 3*d.* be granted to defray the expense of the Civil Government of Heligoland.

Mr. *Hume* begged to inquire what a Civil Government was required for. Formerly, all the establishment deemed necessary to manage affairs at Heligoland was a captain and a lieutenant; but now we had a lieutenant-governor with 500*l.* a year, a lieutenant-governor's clerk with 136*l.* a year, two clergymen with 50*l* each, a Town Clerk with 60*l.*, a signal man 60*l.* 10*s.*, a buoy-keeper 33*l.* 6*s.* 8*d.*, a mail-carrier, 69*l.* 6*s.* 8*d.*, and block-house keeper 3*l.* He wanted to know what employment there could be for all these various officers. Above all, what need could there be for two parsons.

The vote was agreed to.

Education—(Ireland.)] On the question that the sum of 35,000*l.* be granted for the Advancement of Education in Ireland, for the year ending 31st March, 1836,

Mr. *Plumptre* was bound to object to this vote. He could not avoid expressing his disapprobation of the proceedings of the Commissioners of Education in Ireland.

Viscount *Morpeth*: I hope the hon. Gentleman will not think it discourteous on my part if I defer the defence of the Irish Board of Education until he has brought forward his reasons for the censure he has preferred against them.

Mr. *O'Connell*: Did I understand the hon. Gentleman to say, that Protestant children were compelled to attend Roman Catholic schools?

Mr. *Plumptre* said, he had seen a paper in which questions and answers were given respecting the manner in which the schools under the control of the Board of Education were conducted; and that from these it appeared that the Roman Catholic children, who were punctual in their attendance at the school, so as to hear mass, were rewarded with a Roman Catholic prayer-book: and that the reward given to Protestant children for their punctual attendance to hear mass was a suit of clothes. He had seen this statement, and he believed it to be correct; and therefore he was opposed to this grant.

The *Chancellor of the Exchequer* said, that the principle on which the Irish Board of Education acted, was to give to children of all persuasions an equal advantage in the schools that had been established, reserving to every one not only freedom of conscience, but the fullest opportunity of obtaining religious instruction according to his own creed. He thought this was a principle that would be approved of by the British public. But he would take the liberty of suggesting to the hon. Gentleman, that if he condemned this system on account of some vague and unsubstantiated statement which he might happen to have seen in some paper, without affording those who upheld the system the means of contradiction, then that there could be no system—whether Catholic or Protestant—whether of the Orange or the Green party—that could stand the test of attacks of that kind. Those who adopted and administered the system now pursued had no disingenuous object whatsoever. It never was intended by these votes to establish an exclusive system of instruction. On the contrary, it was always avowed that the schools were to be common to all—both Catholic and Protestant. If the hon. Gentleman, instead of mis-stating the actions of the Commissioners from unauthenticated documents, most likely coming from persons not very impartial in their decisions, would furnish the Government or the House with time, place, circumstance, and proof, an inquiry should be immediately instituted, and if any abuse should be found to exist, it should be corrected. But if, instead of abuse, these attacks against an establishment which ought to be considered placed on neutral ground, but which had, unhappily, been made the arena of the most bitter party contest that was ever known—if, he would repeat, these attacks should, as in all probability they would, be proved to be gross calumnies, then the detection of their falsehood could not, he was sure, fail to be most gratifying to the hon. Gentleman himself as it unquestionably would be to all the friends of the system. As a proof that these schools were based on a system calculated to give instruction free from all sectarian prejudices and distinctions, they had the satisfaction to know that the system had been approved of, and was about to have been carried on by the late Government, to whom the present Government were opposed. The right hon. Gentleman at the head of the late Government had never made any attacks upon that system; but it was nevertheless a very remarkable circumstance, that the mass of individuals most intimately connected with that right hon. Gentleman, and particularly those residing in Ireland, were the very persons who made themselves most active in their hostility to it.

Sir *Robert Inglis* was not aware that the question was to be brought forward on the present occasion. He had, however, objected to the principle before, and he saw no reason why he should not repeat the objection now.

Colonel *Sibthorp* had no idea whatever that anything was coming on. He looked with the greatest suspicion to every thing that was done on the opposite side.

Dr. *Bowring*, although not an Irish Member, saw with great pleasure the sum of 35,000*l.* devoted to advancing education in Ireland on liberal and Christian principles.

Mr. *O'Connell* had the honour of knowing one of the Protestant Commissioners —a Gentleman at the Irish bar—he meant Mr. Holmes—well, and he was quite sure that if any thing wrong were brought before him, he would resign his situation rather than tolerate it in the slightest degree. The hon. Gentleman had made two statements which were doubtlessly perfectly true; the one was, that he had seen a certain paper; the other that he believed it to be true. Further than this, however, he did not go. He had not enlightened the House by telling them what the nature of the paper was, from whom he got it or who the producers of it were; or whether it was part of Den's Theology. He really wondered how the hon. Gentleman could be so imposed upon. The hon. Member had read a paper which the hon. Member described as an investigation into the manner in which these schools were conducted and yet the paper which he had read contained a string of questions and answers? Who put the questions? Who gave the answers? Why did not the hon. Member give the House that most essential information? Why, too, did he withhold it? The plain fact was, that this plan of education was working great good in Ireland. It gave hopes that in the next generation the children of some of them and the grandchildren of others would have kindly feelings of Christian benevolence and charity towards each other. Fair play, and no proselytism, was the principle of the Board, and as it acted impartially upon that principle, it was giving satisfaction at present to all parties save the high Orangemen in Ireland.

Mr. *Randall Plunkett* would have been sorry to trespass on the House, if he had not had some facts to communicate which were connected with the subject of this grant, and which he considered to be of great importance. One of those facts was contained in a petition, which he should present to-morrow, from the inhabitants of the borough of which he had the honour to be the representative. That petition stated that the plan of education sanctioned by the Government was placed in Drogheda in the hands of two Franciscan friars, to be carried into effect as they pleased, and that there were no persons more zealously disposed to establish popery on the ruins of the Protestant Church in Ireland than these two Catholic Ecclesiastics. Two Protestants who were Trustees had been driven from the superintendence of the school. In their stead came these two Franciscan friars who had even made preparations for erecting a Franciscan monastery in the town. Now if the Members of his Majesty's Government were really as sincere Members of the Church of England as they pretended to be, they would agree with him in thinking that Protestant children ought not to be sent to a Franciscan school, and that their grandchildren, if they should have as numerous a progeny as the hon. Member for Dublin, should have some chance of a Christian education like their fathers, in the principles of the Church of England. Another of the facts to which he had alluded was the possession of the school at Ennis by two monks. His information on that subject came from a Mr. Fitzherbert, a Magistrate and Deputy-lieutenant of the county. These were two facts. He was convinced that the late Government had no intention to support the system of Education invented and sanctioned by their predecessors longer than was necessary to enable them to substitute another for it. He was as convinced as he could be of anything, that his constituents had no wish to support this grant any longer. He would avail himself of the present opportunity to record it as the general opinion of the gentry and magistracy of Ireland that the Government system of education could not promote anything that was desirable among the people.

Mr. *O'Connell* repudiated, in as strong terms as any man could use with courtesy, the imputations which the hon. Gentleman had cast upon those whom he had been pleased to designate tauntingly as Franciscan friars. He wanted to know whether a man had not as good a right to be a Franciscan friar as to be the member of an Orange lodge? He (Mr. O'Connell) thought that a man had a great deal more right to be a Franciscan friar than a sworn Orangeman, for the latter was a member of an illegal society, while the former was attached to a church to which the hon. Member did not belong, but which had nevertheless its ordained ministers, and was tolerated by law. He had had the honour of knowing a Franciscan friar, to whom it would be a difficult task for the hon. Gentleman to compare himself. He was alluding to Father O'Leary. Father O'Leary was a Franciscan friar, and he (Mr. O'Connell) thought the hon. Member would find it a task of exceeding difficulty to find any man who was acquainted with both, ready to affirm that the hon. Member was as well educated as that Ecclesiastic. In one portion of education he was sure that the hon. Member was more deficient than Father O'Leary—and that was in Christian liberality. It did not become the hon. Member to speak in the way he had done of Franciscan friars. They had as good a right to be in the town of Drogheda as the hon. Member himself had, and perhaps were as well received by the inhabitants as the hon. Member would be if he should go to visit them. If they conformed to the regulations of the board in their management of that school, they had a right to keep that school. But if the hon. Member could show that they violated those regulations, then he would make out a case either against the Franciscan friars or against the commissioners, or it might be against both; but until he did make out such a case, those despised Franciscan friars would acknowledge no superiority in the hon. Member above themselves; on the contrary, he believed that they would assert their superiority over the hon. Member in any literary or religious controversy to which he might be pleased to challenge them. It became the hon. Member well enough to talk as he did about Franciscan friars; he would recommend the hon. Member to reserve such language for Exeter-hall, there the hon. and learned Member would have the police and a picked auditory. The hon. Member had also spoken tauntingly about the monks at Ennis. Why, those monks belonged to a class called "education monks." They gave themselves up to be taught at an early period of their lives, in order that they might, in the course of it, be able themselves to educate the children of the poor. They received no fee—they demanded no pecuniary reward. Their lives were devoted to purposes of education, and to the promotion of those purposes alone. There were now 300 or 400 of them in Ireland, and they were doing incalculable good in that country, by promoting the diffusion of education. Many of them came within the regulations of the Education Board and received assistance. Others of them refused to come within those regulations, and received no assistance. With the latter the House had nothing whatever to do; but with the others it had, and the House had a right to blame the Government, if it permitted a Board under its control to supply money to those who would not conform to its regulations. Why, then, were excellent individuals, when they conformed to the regulations of the State, to be spoken tauntingly of as monks? It was this foolish affectation of superiority by the Protestant aristocracy of Ireland over those who differed from them in creed that worked such fatal consequences in that country. It was as if they were superior to them in station, conduct, and moral character—ay, even in the rank of human beings, when men of a certain rank in society spoke tauntingly of excellent and pious individuals as "monks." He hoped that the lesson which the hon. Member had that night received would teach him, when he next addressed the Chair, to keep the violence of his sectarian feelings to himself, and not to obtrude them on the British House of Commons on a delicate subject of this nature.

Mr. *Bellew* observed, that the language of the hon. Member did not surprise him, as it was a well-known fact that those who had gone from the cause of the people were always the most bitter in the hostility which they subsequently displayed towards them. He could say, from his own knowledge, that the management of the School at Drogheda had given great satisfaction in that town and neighbourhood. The new Education Board had established several schools in the county with which he was connected. There were already fourteen or fifteen schools there under its control; and so far from those schools having been established contrary to the general opinion of the gentry and magistracy of the county, he could inform the House that four or five Protestant Magistrates, who were also high Tories, had voluntarily signed the requisition for their establishment to the Board of Education. In Ulster, where the Protestant population was most predominant, 900 such schools existed at present. The number was daily increasing, and the larger the sum devoted to this object was, the greater would be the spread of education, the greater the good understanding between the different sects of religion, and the greater the conviction of the Irish people that the Government of England was inclined to attend to their wants and wishes on all subjects of domestic legislation.

Mr. *Bridgman* rose to set the hon. Member for Drogheda right with regard to his observations on the management of the school at Ennis. The managers of that school had got a small grant from the Education Board; and for that small grant seven or eight hundred children were educated at Ennis by gentlemen whom the hon. Member tauntingly called monks. Now, the fact was, that those gentlemen were not monks. He hoped that the hon. Member was better informed respecting the school at Drogheda than he appeared to be respecting the school at Ennis.

Sir *Robert Inglis* deprecated the practice of one hon. Member accusing another of displaying violent sectarian feelings in defence of his Church. He could not sit in the House without expressing his objections to such a practice. With respect to the observations of the hon. Member for Ennis, that those who conducted the system of education in the school of that place were not monks, he should leave that hon. Gentleman to settle the point with the hon. and learned Member for Dublin, who had said, that there were three or four hundred of such monks in Ireland.

Mr. *O'Connell* said, that the hon. Member had accused him of accusing the hon. Member for Drogheda of displaying violent sectarian feelings in defence of his religion. Now, he had done no such thing; but he had accused the hon. Member of displaying violent sectarian feelings when he assailed the religion of another Church. He, for his part, assailed no man's religion. But the hon. Member had talked tauntingly of Franciscan friars and monks, and had used the word "Popery." Now if there were an offensive nickname for Protestants, as there was, what would be said of him if he were to use it in that place? If he were to speak of Protestants as heretics, he should deserve to be put down in that House. He expected, if the same courtesy or privilege was not to be extended to Roman Catholic Members which they were disposed to show towards Protestant Members—he expected, he said, that the House would extend to him the right of repudiating any attacks that might be made upon his Creed. The monks to whom the hon. Member for Oxford had referred were called Education Monks, but were not monks according to the definition of the law, for they had not taken any oaths or entered into any orders, which brought them under the statute prohibiting the increase of monks in Ireland. They had, however, registered themselves as the Emancipation Act required, but under a protest that they felt that they did not come under the interpretation of that Act. He wished that his example in refraining from making attacks on the religion of others might be followed by those who, with Christian charity ever on their tongues, exhibited little of it in their speeches and actions.

Viscount *Morpeth* said, that the vote now under consideration stood first on the Irish miscellaneous estimates, and any one who looked at the paper might easily conclude that it would come on this evening. With respect to the question raised by the hon. Member for Kent, he felt assured that if, in schools connected with the board, any practice subsisted which gave offence to Protestants, as regarded the treatment of their children, the evil would be redressed on a proper application.

Mr. *John Young* much regretted the

acrimony which had been infused into the discussion, and which he would not increase by adding a single objection to those already made to the system of government education in Ireland, though he was far from thinking that system free from objection. He wished to draw the attention of the noble Lord opposite to two suggestions, which he trusted would be received favourably, though coming from one who had never professed friendship to the system of national education.—The first was, the unfortunate locality of the school-houses in many instances. In the county of Cavan he could state, of his own knowledge, that several were so close to the Roman Catholic chapels, that the Protestants and Presbyterians could not but feel averse to sending their children to them. This he considered a just and reasonable ground of complaint, but it was also one which might be avoided in future by a little care and attention on the part of the Board of Commissioners. To such attention the Protestants and Presbyterians of Ireland, though only a minority of the people, were well entitled. The second point was of a graver cast, and stated on no light and insufficient authority—that authority, as it proceeded from a person officially employed by the present government, he would give in private to the noble Lord if required. In two of the southern counties the positive rules of the board were not adhered to as regarded the class books, and especially that which contained the whole Gospel of St. Luke. To this book the Roman Catholic Clergy, a body of whom he would not speak disrespectfully, were as hostile, he had been informed, as to the whole Bible. They withdrew and discountenanced it wherever they could, and so deprived the people, in very many schools, of part of the benefit Government wished to extend to them. This was a serious evil, and gave additional cause for the mistrust and suspicion so widely and justly felt as to the character and tendency of the system.

Viscount *Morpeth* said, that it was a rule with the Commissioners of the National Board to prefer schools unconnected with places of worship, although they did not refuse aid in all cases of schools otherwise circumstanced. He felt assured that it was the wish of the Commissioners to consult as much as possible the religious scruples of every body.

Mr. *Hardy* said it ought to be understood that the present system of schools had been established very much against the wishes of many sincere Protestants, because they justly thought that there must be some compromise of principle in educating Protestants and Catholics together, and that the compromise was made by the Protestants on giving up the reading of the whole Bible. A man must not be surprised when he heard of Roman Catholic Priests endeavouring to inculcate upon the children of Protestants their own particular doctrines, for it was quite natural that they should do so; but it was most important for Protestants, especially for Dissenters who adhered to the Bible and the whole Bible, to see that no improper instruction was bestowed upon the children, and that under the guise of a general, religious, and moral education, a sectarian education was not given. When a school was held in the vicinity of a chapel, it appeared to him that Catholic Priests had opportunities of getting Protestant children into it, and inculcating their favourite doctrines upon them.

Mr. *Henry Grattan* was astonished at the sublime ignorance of the hon. Member. Had the hon. Gentleman read the series of questions issued by the Board of Education in Ireland ?

Mr. *Hardy :* I have seen the book.

Mr. *Henry Grattan :* Have you read it ?

Mr. *Hardy :* Yes; I have read it, and I can point out matters in it which are not consistent with Protestant principles.

Mr. *Henry Grattan* said, that one of the questions put by the Commissioners was framed to ascertain whether the ground on which it was proposed to build school-houses was contiguous to a chapel, and if this turned out to be the case the Board refused to make any grant. He indignantly repelled the charges made on this occasion, although they were no more than might be expected from individuals who went to mountebank societies to make charges against the people and religion of Ireland—charges as false as hell. After this they pretended to support the cause of education for the people, but he rejected such support. He thanked God that the disturbers of the public peace in Ireland were at length about to be put down. He did not think that we ought to give the whole Bible to be read in schools—[*" Hear, hear ! " from the Opposition.*]—Let not Gentlemen opposite be so ready with their cheers. Protestant Bishops had expressed themselves to that effect. What had been the effect of the Protestant ascendancy system in Ireland? It had made bad Christians—they had set Protestant against Catholic, and Catholic against Protestant, till they had made the island like a demoniac assembly, the consequence of which was, that they could not keep possession of Ireland without the aid of an enormous military establishment, for which this country was taxed, in order to keep up Protestant ascendancy.

Viscount *Sandon* believed, that the hon. Member opposite used stronger language than he really meant to apply. It was somewhat extraordinary that the hon. Gentleman should accuse the hon. Member for Bradford of gross ignorance in reference to schools being built near chapels, because they had it in evidence on all sides that they were so built. It must be admitted that there was great difficulty in bringing Catholics and Protestants together for purposes of education, without a surrender or attempt to subvert some important point on one side or other—the result of which must be, that schools would be no longer considered neutral ground.

Sir *John Hobhouse* thought, that the noble Lord had given the best reason for endeavouring to unite Protestants and Catholics whenever the attempt was practicable—the difficulty of union proved the necessity of attempting it at an early period of life, when the effort might be attended with the best chance of success. With all submission to the hon. Gentleman (Mr. Randall Plunkett) who had to-night expressed his opinions for the first time in that House, and who intimated that the right hon. Baronet at the head of the late Government only waited for a convenient opportunity to discard the existing system of education in Ireland, he thought the hon. Member paid a bad compliment to the right hon. Gentleman by the supposition. It was the duty of the King's Government to see that no part of this grant was misapplied—and there was no proof that such had been the case. However, if the hon. Gentleman could bring forward a case of abuse, a remedy should be applied. For his own part, he felt persuaded, that if the system were successfully applied, and if fair play were allowed, it would contribute in no small degree to the peace and prosperity of a country for which we had so long legislated in vain.

Mr. *Finch* was sorry that he could not agree with the right hon. Baronet as to the probability of the Irish system of education working well. The greater part of the children of persons of the Established Church could not avail themselves of it, and such being the case, it was vain to talk of the system working well. He had received an account of several schools from respectable authority. His authority was the reverend Robert Daly, and the communication mentioned several schools that were built in the chapel yards, and supported by grants from the Commissioners. In some of those schools no Scripture lessons were read, but a Roman Catholic catechism was used, and the attendance consisted exclusively of Roman Catholic children. He would read a few specimens and leave the House to say whether this were a system of general education:—

"Hacket's-town.—The school recently built and not quite finished in the Chapel-yard. The children at present attending in the Roman Catholic Chapel, but not yet in connexion with the Board. Roman Catholics, 48; Protestants, 7. The Board granted at first 106*l.*, and since 50*l.* more.

"English-town.—The school is holden in the chapel. The teacher Roman Catholic. Grant for salary 5*l.* No Scriptures. The station of the Holy Cross. Roman Catholics, 46; no Protestants.

"Baltinglass.—A male school about two perches from the chapel. A female school in a branch of the chapel cut off by a partition. Teachers Roman Catholic. Grant for salaries 22*l.* Roman Catholics, 162; no Protestants. No Scripture lessons. *Dr. Doyle's Catechism.*

"Tullow Female School.—Children entering this school must pass through the chapel-yard; in fact, it is in it, but divided by a door. Salary 25*l.* per annum. Roman Catholics, 300; no Protestants. No Scripture lessons. *Dr. Doyle's Catechism.* This school is entirely in the possession and under the direction of nuns.

"Tullow (male).—This school is entirely in the hands of monks. The Board gave 13*l.* for fixtures, and allows 20*l.* per annum. They have not a single copy of the Scripture lessons. *Doyle's Catechism* in hand. Roman Catholics, 185; no Protestants.

"Fermoy School.—A well-built and extensive school. Roman Catholic teachers. Salaries 50*l.* Grant 35*l.* Roman Catholics, 515; Protestants, 2. Board books in use, also *Butler's Catechism,* and a small book entitled *Think well on it,* by Chaloner.

> "Macroom School.—Built in Chapel-yard. On entering this school I found the master, a Roman Catholic, repeating and explaining some of the prayers, collects, and acts of faith, hope, and charity, out of the Roman Catholic prayer book, to all the children collectively, although it was not his day of religious instruction. They never received the Scripture lessons. Roman Catholics, 501; no Protestants."

Such circumstances proved, in his opinion, the existence of great irregularities in the present system of education—a system to which, however it might be carried into effect, he decidedly objected.

Viscount *Morpeth* hoped if the reverend Mr. Daly had any complaint to make that he would send the grounds of it to the Government or the Board, in which case the grievance, if any, would be redressed.

Mr. *Plumptre* said, that having met with the passage to which he had before referred, he should now quote it, especially as some doubt appeared to be thrown on the matter. The report was written, by Mr. Graham, and was dated the 2nd of July. It stated, that in the case of one school visited by the writer, at 1 o'clock on that day he found the children dismissed in consequence of a fair which was held two miles off. Mr. Graham received his information from two ushers in the school, who stated that it had been established in 1827, and was visited daily by the friars. In answer to the question, "For what purpose is that altar used?" The reply was, "For reading mass morning and evening." The inquiries and answers proceeded — "Do Protestant children assemble along with the Roman Catholics?"—"Yes; they must attend." "Is the school daily opened and closed with mass?"—"Yes." "At what hour in the morning will the school commence?"—"At half-past 9." "Will it be then opened by mass as usual?"—"Yes; by one of the friars." "Who is the person that celebrates mass on the occasion?"—"One of the friars from the convent." This concluded the day's discourse, said the writer, and I proposed to attend the school in the morning. The information referred to the school of Esker. On July the 3rd Mr. Graham again visited the school, and ascertained from the master that he had superintended the school for six years, that 50*l.* was allowed annually by the Board of Education, and that he and his wife acted as superintendents of the school. The question was, whether it was fitting in a Protestant Parliament to grant a sum of money in support of a system of education under which the Holy Scriptures were excluded from the schools? He objected to it on that account, and because he believed, that so far from conveying instruction to the Roman Catholic population, it would be the means of riveting the chains of superstition and darkness, in which they were already bound.

Mr. *George F. Young* said, that the hon. Members who opposed the present grant appeared to have arrived at very sweeping conclusions from very ill-considered premises. Within the last few months he had visited Ireland for the first time, and whilst in Dublin he endeavoured to obtain all the information he could relative to the national system of education, and he had brought away with him, and since read, every book used in the schools. It was his conscientious conviction from all which he had heard and read, that if the principle were recognized that it was improper to attempt to force upon Catholics the adoption of the doctrines of the Protestant Church, it was impossible that a better mode of education for Protestants and Catholics indifferently could be devised than that now acted upon. He regretted the tone in which part of the discussion had been carried on; it was time to lay aside prejudices and hold out the right hand of good fellowship to all who were inclined to co-operate in the task of promoting education. The statement which the hon. Member for Kent read contained an obvious error; it was said that mass was performed in one of the schools in the morning and evening; but it was well known that mass was performed only once a-day, and that was in the morning.

Mr. *Bodkin* said, that the school of Esker was principally supported by Mr. James Daly, the brother of the redoubted hero who came over to fight the battle of Protestantism at Exeter Hall. If the hon. Member had made inquiry before he made the statement he had just given utterance to, he would have held his peace.

Mr. *James Grattan* regretted the tone that had prevailed throughout the debate. He thought the funds not now voted were utterly insufficient; they should have a large surplus applied for the object. The establishment should be on a more extensive scale than it now was. He hoped also that a more correct statement would be made out with respect to these schools next year, so that there could be no doubt as to the truth of the statements made.

Mr. *Wyse* said, that they had been told that the Bible had been excluded from the new schools, but the charge now was a want of Christian charity in adopting a system to prevent Roman Catholic and Protestant children from being educated together. The truth was, that from the conduct hon. Gentlemen pursued they seemed anxious to divide Ireland into two sects, entertaining the most rancorous feelings the one towards the other. Except in doctrinal points there was but little difference between the Catholic and Episcopal Church of England, but it would appear from the tone of the discussion, that hon. Gentlemen wished to carry the differences which existed into every act of social life. He would not charge the individuals whose authority had been so repeatedly referred to this night in support of the statement made, but he would say, that they laboured under the grossest errors and ignorance. He trusted that the present system of education would be extended throughout the country.

Mr. *Finch* observed, that the hon. Member for Tynemouth appeared to have made rather an extraordinary statement when he said, that though he had been but a very short time in Ireland he had made himself master of all the details of the system of education there pursued. The hon. Member said, that he had perused all the works introduced into the schools. He held in his hand a pamphlet, which, in his opinion, contained most objectionable observations. In one version of the Scriptures the expression was used "it shall crush the serpent's head," but in the Roman Catholic version it is rendered "she shall crush the serpent's head." Although there might be apparently little difference in the sense of these, still a most important distinction was drawn. The words used in the note to the passage are, "Oh! Holy Blessed Virgin Mary, you were promised from the beginning of the world that by your seed you should crush the serpent's head." Now he thought that this was one of the most objectionable expressions that could be introduced into a work for the education of both Catholics and Protestants. The Bible had not been excluded from the Kildarestreet schools.

Mr. *George F. Young*, in explanation, said, that it appeared to him that the hon. Gentleman seemed to have taken a lesson from the polemical disputants who had recently figured in Exeter-Hall. The hon. Gentleman had just referred to a passage to be met with in one of the books used in the schools, which did not appear to him (Mr. Young) to be so objectionable as to the hon. Gentleman. It had not been insidiously introduced, however, by a Catholic, but by a zealous Protestant of the Establishment, and as sound a scholar as was to be found in the empire, who contended that it was the correct translation of the text, and who challenged any persons to dispute it with him.

Mr. *O'Connell* was sorry, that the hon. Member for Kent had referred to the authority which he had quoted, as to mass being said in these schools. He could not charge the hon. Member for an English county with uttering a falsehood; indeed, he knew that he was incapable of so doing—but still he exhibited an instance of the grossest ignorance. He should be cautious before he was inclined to give currency to such silly calumnies, which, indeed, would appear so if they were not so utterly ridiculous. He trusted that, on a future occasion, this subject would be discussed in a different tone and feeling from that exhibited on the present.

Mr. *Hardy* denied, that the charge of bigotry could fairly be brought against those who opposed the present grant. He had ever been favourable to Catholic Emancipation and to the equality of civil rights for Members of every religious creed; but it was a very different thing for a man attached to his religion, and who wished to be saved by it, to see his children brought up in a religion which he did not approve.

Mr. *Plumptre* denied, that this was a party question, or that he had ever been opposed to a system of education under which children of all religious creeds could be brought up. He had, however, a very strong feeling as to the course now pursued, and should feel it his duty to divide the House upon the subject.

Mr. *Sergeant Jackson* said, it was not his intention to say anything that could add to the unpleasant feeling which had been exhibited during the debate, but he could not content himself with giving a silent vote on the present occasion. His objection to the new system was, that it did not bring together the rising youth of the country, and thereby instil into their minds those feelings of good fellowship and harmony which it was so important to the welfare of Ireland to cultivate and cherish. His chief complaint against the so-called system of national education was, that it produced a contrary effect from that which its promoters calculated upon. It was not a system of united education, such as that which it had superseded, and which could most truly be designated by that name. He had had the honour of being honorary secretary to the Kildare-place Society for several years. That Society was established for the purpose of giving to the youth of Ireland a united education without the slightest reference to religious distinctions of any kind. He would ask the House and the country, whether any system could be founded upon a broader basis than that which merely required the Scriptures to be read without note or comment. The Kildare-place Society did not require the authorised version of the Bible to be used in the schools. The rule which satisfied the Society was, that the New Testament, or the Protestant or Rheimish Bible, should be used; and he would ask the House whether anything could be more liberal than that. The Kildare-place Society did not seek for public aid; it was supported originally by voluntary contributions. It was invited to take public aid, and for years it gave the greatest satisfaction, and a great number of schools in connection with it were directly under Roman Catholic priests. In 1824 a royal commission was issued, and the Roman Catholic priests having set their faces against the Society, a great outcry was raised against it. The object which that outcry was meant to achieve had since been accomplished—namely, the withdrawal of the funds from the Society. Now, he could state, without fear of contradiction, that the system pursued by the Kildare-place Society was decidedly a scriptural and united system of education; and the Reports on the Table of the House would verify his statements, whereas the system pursued by the new Board was decidedly an exclusive one. When his hon. Friend near him read a statement of the number of children attending certain schools, and when he said that no Protestant attended, it was met by a cheer from the other side. If it were intended by that cheer to infer that there was no Protestant population in these places, he could state most positively that the contrary was the fact. In Macroom, for instance, it was stated that 500 Roman Catholics attended the school, and no Protestants. Would any man say that there was not a large Protestant population in Macroom. If so, it might be asked, why they did not attend these schools? It was, because a system of education was pursued in these schools, in which Protestant children could not consistently partake. He had, himself, presented several petitions during the Session, in which poor Protestant parents complained of not having schools to which they could send their children. It had been attempted to throw discredit upon the statements read by his hon. Friend, because, in the document, the writer said that mass had been celebrated morning and evening. Roman Catholic chapels were considered by Protestants as mass houses, and religious ceremonies performed there were looked upon as masses, It appeared, however, that mass could not be celebrated after twelve o'clock—but the correspondent of the hon. Member, when he spoke of masses in the evening, evidently meant that Roman Catholic service of some sort was performed. Having been for so many years Secretary to the Kildare-place Society, he felt it his duty, when on circuit, to visit some of the schools receiving aid from the new Board. At Loughrea school he found all the children paraded for the purpose of marching them to chapel. He visited another school where there was not a single copy of the Scriptures to be found. In another he found the children, on a week-day, with Butler's Roman Catholic catechism in their hands. He asked the schoolmaster whether the catechism was in constant use, and he replied that it was, and when he inquired whether there was any copy of the Scriptures in use in the school, he was informed that there was not. He would ask the House whether the system could justly be termed a national or united system of education? He did not make these observations in an angry spirit; but he made them as a Member of that House, called upon to sanction the vote of a sum of money amounting to 35,000*l.*, for the purpose of upholding a system which deserved any name better than that of a national system. It might, perhaps be proper to have public funds appropriated for the education of Roman Catholics, but then the money ought to be granted openly for that purpose, and not covertly, as in the present instance. He would not say, that in some parts of Ireland, the north for instance, the Scriptures were not read; but if so, the Board had two sets of rules—one for the north and another for the south. If there were two distinct rules, let it be proclaimed, but don't tell the people of England that you vote this money for a united system of education. ["Lord *Morpeth* said, that selections from the Scriptures were made by the Board."] Would the noble Lord say that a selection made by five or six individuals, ought to be dignified by the name of the sacred Scriptures? He could not say whether these selections were made by the Roman Catholic Archbishop of Dublin or the Protestant; but he denied that a selection made by one or the other deserved the name of the sacred Scriptures. He was desirous of doing his duty; he had stated facts which no man could contradict. He did feel, standing where he did, and having for so many years filled the office of honorary Secretary to the Kildare-place Society, that he should not be doing his duty, were he not to protest against the transferring of the funds from a Society which imparted to persons of all religious persuasions a united system of education, to one which had failed to perform the service for which the funds had been granted to it.

Mr. *Sheil* rose for the purpose of calling the attention of the Committee to the date of the estimates in which the present vote was included. That date was the "8th of April, 1835," a period when a Government was in power which, doubtless, in the hon. and learned Member's (Mr. Jackson's) judgment, showed great discrimination in selecting individuals for the honours of the Irish bar. The hon. and learned Member at that time uttered not a syllable against the proposed grant of money, and he (Mr. Sheil) must admit that the hon. and learned Member's conduct with respect to the whole matter exhibited not a little talent. As the Frenchman said, "*Il a grand talent pour le silence.*" "*Mum,*" was then the word. And when the late Secretary for Ireland announced in the presence of the hon. and learned Recorder of the city of Dublin, of the hon. and learned Gentleman (Mr. Jackson), and of the many pious persons now sitting beside him, that it was the intention of the Government to continue the grant to the new Education Board, not a single scruple, with reference to the proposition was expressed. It appeared, however, that serious objections were now entertained to the present vote; but to all that had been said against it he had this simple answer—the estimate which he held in his hand, and to which was attached the name of "Thomas F. Freemantle."

Mr. *Sergeant Jackson* was aware of the fact to which his hon. and learned Friend adverted, and he would tell him this in perfect good humour, that if a vote for 35,000*l.* had been proposed by the late Prime Minister of the Crown, or the late Secretary for Ireland, he should have risen in his place and made the same statement then that he had made this evening; and he begged to tell the hon. and learned Gentleman why he did not rise in his place on that occasion. It was but a short time he had the honour of being in the House, and he was little acquainted with the mode of proceeding with business, and little aware when it became a Member to rise. He was aware of this also, that the preceding Government had continued the grant to the Kildare-place Society, on the principle that they found it working, and they did not think it right to suppress it, but rather to allow it to go on for a year. It was the preceding Government to Sir Robert Peel's that made a grant on the principle that it was right to give a year's notice to the Kildare-place Society before they withdrew the grant; and, therefore, he thought the late Government were justified in continuing the grant to the new Board for one year, the more particularly as buildings had been erected and expenses incurred on the faith of the grant being made; but he would repeat, that he cared not who the Minister was, he should have risen and opposed it, on the grounds that he had that night urged.

The Committee divided on the Question: Ayes 143; Noes 42—Majority 101.

### *List of the* NOES.

Agnew, Sir A.
Arbuthnot, H.
Attwood, M.
Balfour, T.
Calcraft, J. H.
Campbell, Sir H.
Chisholm, A. W.
Cole, Lord
Darlington, Earl
Dick, Q.

Dottin, A. R.
Egerton, Sir P.
Elley, Sir J.
Fector, J. M.
Finch, G.
Forbes, W.
Gordon, Captain
Greville, Sir C. J.
Hardy, J.
Hamilton, Lord C.
Hayes, Sir E. S.
Jackson, Sergt. J. D.
Inglis, Sir R.
Kearsley, J. H.
Kirk, P.
Lefroy, Sergeant,
Lefroy, A.
Longfield, R.
Lowther, Col.
Maxwell, H.
Plunkett, R.
Price, G.
Pringle, A.
Scarlett, A. C.
Sibthorp, Col.
Sinclair, G.
Tyrell, Sir J.
Williams, R.
Wyndham, W.
Young, J.

TELLERS.

Plumptre, J. P.

PAIRED OFF AGAINST.

Buller, Sir J. Y.
Cole, A.
Cooper, E.
Perceval, Col. Thomas
Vesey, Hon.

On the Motion that 8,928*l.* be granted for the Roman Catholic college in Ireland.

Mr. *Sinclair* protested against the vote for no Protestant state was bound to bring up its subjects in the errors of the Roman Catholic faith. That was contrary to the religion of the State, and he would never sanction it.

Viscount *Morpeth* could not consent to refuse to set apart so small a sum for the religious education of so large a number of people.

Mr. *Warburton* said, the only objection he felt to the vote was to the site of the College for which it was intended. He could see no reason why it should not be on the same site as where the Clergymen for the Established Church were educated. Any one who took the trouble to examine the charter of Trinity College, Dublin, would see that it was intended to be one of many colleges. Let Trinity College have different Professors in Theology, one for Protestants, another for Roman Catholics, but why should not both be instructed together in arts and general literature. It was well worthy of the consideration of his Majesty's Ministers, whether the site of Maynooth College ought not to be changed. Such a course would be but carrying out the principles laid down by them in their system of general education.

Mr. *Lefroy* said, that the hon. Member for Bridport (Mr. Warburton) brought a charge of illiberality against Trinity College which he must be permitted to tell the hon. Member was quite groundless. That University conferred degrees upon persons of all religious denominations without the slightest distinction. It allowed Roman Catholics and others to graduate; and, therefore, he maintained that the charge of illiberality was not sustained. The system suggested by the hon. Member would tend to increase the distinctions between the two denominations, rather than to abate them. At present, Roman Catholics and Protestants were educated together at the Dublin University in harmony and concord; and one of his objections to the proposal of the hon. Member (Mr. Warburton) was, that his system would rather impede than forward so desirable an end. He had said thus much to show that the system pursued at Trinity College was not an illiberal one; and with respect to the grant under consideration, he objected to it on the ground, that as the State acknowledged but one religion as the established religion—for he had not heard as yet of any legislative measure to abolish the Protestant religion as the established religion in England or in Ireland—it was not consistent that the State should teach a religion from which Protestants had separated, on the ground of erroneous doctrines. Upon that view of the case he had always opposed the grant, and should continue so to do.

Mr. *O'Connell* said, what was sauce for the goose was sauce for the gander. He would give the hon. and learned Member as much conscience as he pleased—he wished Protestants had a little more of it. The hon. and learned Member said, the Dublin University was open to Catholics. Yes, as far as education went, they were very liberal, but they never gave a Scholarship or a Fellowship to a Catholic; they were very careful of their good things. But to this he would answer, the College of Maynooth was precisely on a footing with the Dublin University. Protestants might be educated there if they pleased, and, with all due regard to their consciences, they might attend all the courses, excepting of course those of religion. He would now relate an instance of the way in which Catholics in a Catholic country treated such a subject as this. In Belgium a vote of money was moved in the Chamber of Representatives towards the expenses of a Protestant chapel in Brussels. Some division of opinion took place on that occasion: there were four Catholic clergymen in the Chambers, and three of those voted in favour of the grant, and only one against it.

Mr. *Finch* said, he opposed the grant,

because he thought, if a good vote, it was too small; and, if not, it should be discontinued altogether. With respect to the instance of Roman Catholic liberality which the hon. and learned Member had mentioned, he believed that, if the case were closely inquired into, the Catholic priesthood of Belgium had a second object in view when they agreed to the vote towards the Protestant Church building in Brussels, namely, that it would encourage Protestants to come and reside there.

Mr. *O'Connell* said, that the hon. Gentleman had charged the Roman Catholics with duplicity. No man could make that charge of duplicity against others, but one who judged from himself; and he (Mr. O'Connell) repudiated the foul and false charge. "What (continued the hon. and learned Member)! Is such a charge to be made, and are we to be prohibited from noticing it? Oh, no; it may do at Exeter Hall; but it will not do here. There is no policeman here to put down those who attempt to defend themselves. I repeat, therefore, that I return the slander to the foul source from which it comes."

Sir *Robert Inglis* said, he thought the hon. and learned member for Dublin had misunderstood his hon. Friend the Member for Stamford, and had alluded to something his hon. Friend had said in another place, and not to what he had just uttered in his seat in that House. His hon. Friend had not made a general charge of duplicity against the Catholics as a body, but merely expressed an opinion, founded upon facts and reports which other hon. Members, as well as himself, must have heard, that the clergy of Belgium were not entitled to the full meed of liberality which was claimed for them in the instance referred to, because it was an accredited fact that they voted for the grant for the Protestant chapel, because they wished to induce English families to come and reside in Belgium. With respect to the grant before the House, it was a relic of the old Irish Parliament. When that Parliament was united with that of England all its obligations were taken along with it upon the Imperial Parliament, and this grant, being one of them, had always hitherto been agreed to. As, however, of late years, some other charges and grants of a like kind, and under a similar obligation, had been dispensed with, he thought all those who had a conscientious objection to the application of the funds in the present vote had a full right to oppose it. Of those persons he was one, for he thought it was quite contrary to reason and to propriety that the Government of a country should raise funds for cultivating the growth of a religious belief which, by the constitution of the country, was disavowed by the State.

The *Chancellor of the Exchequer* would merely say, that his hon. Friend in laying it down as an abstract proposition, that the State ought not to support any religion which was disavowed by the State went too far, for that argument, pushed to its proper conclusions, would lead the Dissenter and Catholics at once to resist the giving any support to the State religion. The fact was, that a large mass of the population of Ireland were Catholics, and they must be dealt with as Catholics. He supported the grant therefore, entirely on the grounds of expediency, it being in his opinion, necessary to give to such a large body all the advantages of the State.

Mr. *William S. O'Brien* denied that the religion of the State was essentially Protestant. The House of Commons represented the people, and there were two registered votes this Session contrary to the wishes of the Irish clergy. The State was bound to extend the blessings of education equally to all its subjects. He regretted that the sum voted was not greater.

Mr. *Wyse* said, the question in reality was, whether the Roman Catholic clergy should go abroad, as heretofore, for instruction, or whether they should obtain it at home? He thought the grant should be double the amount fixed in the estimate.

Vote agreed to—House resumed.

CUSTOMS ACTS—TEA DUTIES.] On the motion of the Chancellor of the Exchequer the House resolved itself into Committee upon the Customs Acts.

The *Chancellor of the Exchequer* said, that at so late an hour he would not detain the House very long, but it was necessary that he should give some explanation on so important a subject. He was bound to express his acknowledgments to the right hon. Member for Tamworth (Sir R. Peel), who had originally asked a question in reference to the tea duties, which, however, he had abstained from pressing until the intentions of Government should be more fully formed on the subject. What these intentions were he (the Chancellor of the Exchequer) was now about to state to the House. Hon. Gentlemen were aware that prior to the alteration in the East-India Charter the duties on teas were regulated by an *ad valorem* scale. It was perfectly obvious, however, that so soon as the opening of the trade with China had been effected, the *ad valorem* scale could no longer be continued. It became necessary, therefore, to revert to some other system of duties, and the object kept in view was, to try if it were practicable, without inconvenience to the trade, to lower the duty on the low-priced teas. The experiment was accordingly tried, but it gave rise to many complaints, and a Committee was appointed on the motion of the hon. Member for London, to consider the subject, and a great weight of evidence taken before that Committee went to prove that the discriminating scale of duties of 1*s.* 6*d.* per lb., 2*s.* 2*d.* per lb., and 3*s.* per lb., ought to be abandoned. The Committee, however, decided otherwise, though there was considerable doubt and a strong division on the question. The final recommendation of the Committee was, that the experiment of a scale of duties should be tried, and if not found to answer practically, another plan should be considered. A year had passed, and the House had now to ask itself whether it was disposed to adhere to the three rates of duty, or to have recourse to the simple plan of one duty. He would state the conclusion to which the Government had arrived, and their reasons. He thought the time had come when the principle of one uniform rate of duty ought to be applied to this great branch of trade. In the first place, did the present mode answer the purpose for which it had been introduced? If it possessed any of the advantages of an *ad valorem* duty, if the rate was in proportion to the value of the tea, he should be unwilling to depart from the present mode; but it was clear that it did not contain the elements of an *ad valorem* duty, for the tea chargeable with the duty of 2*s.* 2*d.* comprehended so many different modifications of value, that the principle of a value duty must be abandoned if the 2*s.* 2*d.* rate was continued upon that description of tea. It was not an *ad valorem* but a discriminatory duty; it did not refer to value, but to denomination, so that it was attended with this inconvenience, that teas of different value paid the same rate of duty. There were other inconveniences of a serious character. The qualities of the teas overlapped each other, and approached each other so closely, that the effect of these discriminatory duties was, that high-priced teas paid in fact a low rate of duty. On account of this approximation and overlapping of the qualities of teas, a tremendous power was placed in the hands of the officers of the Customs, who, by deciding on the qualities, had, in effect, the power of determining the rate of duty on teas. Without imputing anything to these officers, who had done their duty with propriety, it was certain that a great discretion was confided to persons who, with salaries of 200*l.* or 300*l.* a-year, had the power of varying the duties on a cargo of tea to the amount of as many thousands as their salaries were hundreds. This was too great a power to be lodged in their hands; it offered a temptation from which they ought to be relieved. Another objection was, that as it was wished to extend East-Indian commerce, there would be a difficulty in levying the discriminatory duties in the outports, where the objections he had mentioned applied with greater force than in London. For all these reasons, he thought the time was come when we should resort to one uniform rate of duty. For these reasons he should say, that the time had come when it was imperative to fix one uniform rate of duty on all teas. The recognition and operation of that principle would be greatly advantageous to the importers, much more convenient to the Government—who, he was free to admit, would willingly have adopted it in the first instance but for the recommendation of the Committee to the contrary—and highly beneficial to the public generally. The great mass of the trade desired an uniform rate, and the revenue would not suffer by its imposition. That settled, two conditions remained—the amount of that duty and the time of imposing it. He had a document in his hand in which the rated duty of tea imported from the 22nd of April, 1834, to the 5th of April, 1835, was calculated, and which he should take leave to read for the Committee. It appeared by it that the returns in that period gave the following quantities of tea imported at the annexed duties. The duties defined the assumed or real quality as 5,300,000 lbs. at 1*s.* 6*d.* per lb., 22,000,000 lbs. at 2*s.* 2*d.* per lb., 1,300,000 at 3*s.* per lb.; in all 28,600,000 lbs. From this quantity the revenue derived a sum of 3,021,000*l.* If the whole of that quantity were taken at a fixed duty of 2*s*. 2*d*. per lb. it would give a sum equal to 119,000*l*. over and above the actual amount received from the combined charges of the three rates. If it were taken at 2*s*. 1*d*. it would give a sum equal to it, less 1,490*l*.; and if at 2*s*. a still smaller sum, or a *minus* of 122,200*l*. on the aggregate amount. The amount of duty he meant to propose as the fixed and certain one in the resolutions which he should lay before the House was the middle term of the three latter rates, that is, of the sums 2*s*. 2*d*., 2*s*. 1*d*., and 2*s*.—the sum of 2*s*. 1*d*., by the adoption of which, supposing the importation to be stationary, the revenue would suffer no greater loss than the trifling one of 1,500*l*. or thereabouts, while he was satisfied that the trade and the public would have every reason to be pleased. He should next advert to the time necessary to carry the change he proposed into effect. Nothing, in his opinion, could be more unjust than any attempt at an immediate alteration in the existing scale of duties. Many persons had introduced large quantities of bohea into the kingdom on the faith of the discriminating system being final; many more had sent out orders for it to China—all these would be inevitably sufferers to various extents if the change were made to come suddenly into operation. Those who introduced bohea into the market would be surprised to find that they had 8*d*. per lb. extra imposed on them, beyond what they calculated on, while those who had ordered cargoes of it would be in the same condition. To obviate these inconveniences, and that injustice, he should propose that the fixed duty of 2*s*. 1*d*. per lb. should supersede the discriminative scale in the course of a year, and that it should come into operation on the 31st day of July, 1836. That period of time would be sufficient for those who had procured cargoes, and those who had cargoes on their way hither, to dispose of them at the market price, while it would give abundant time to those who had only ordered them, to countermand their orders, or at least to exchange the bohea for another tea. Such was the substance of the resolutions which he designed to propose to the Committee. He knew that at that late hour of the night no practical discussion could be had upon the subject; but there would be many opportunities in the course of the Session of taking them into detailed consideration. He could assure the Committee that he had no motive in proposing them beyond those which he had stated—to relieve trade from the embarrassment and annoyance of Custom-house officers—to take away the immense power which devolved by the present system upon the revenue retainers—to extend the benefits of that branch of commerce to every part of the empire, and, for the good of all, to have one fixed rate of duty. The present system was inefficacious for the principal object of its enactment. The poor derived no such advantage from its adoption as had been hoped by its supporters. The Chinese merchants prevented that by the artificial rise which they at once caused in the price of the inferior tea when they discovered the reduction of duty. By which means the 10*s*. bohea was now 12*s*., and the 12*s*. bohea 14*s*. In consequence of which the poor had their tea no cheaper than before the alteration in the rate of duty. The discriminating system did not answer; notwithstanding which he did not regret the experiment. It did not succeed; and the Government were now doing no more than their duty in coming down in a manly manner, acknowledging their error, and offering to redress it. The right hon. Gentleman concluded by moving two resolutions:—" 1. That the discriminating scale of duties should cease and determine, and that a fixed duty should be imposed in lieu thereof." " 2. That this fixed rate should come into operation on the 31st of July, 1836."

Mr. *Crawford* said, that there was not a single point in the speech just made by the right hon. Gentleman which had not been urged upon the Committee last year, and which ought not (in his opinion) to have influenced their determination. What the right hon. Gentleman had now stated to be the fact, had been distinctly foretold by him (Mr. Crawford). If ever a subject connected with fiscal arrangements had been treated peculiarly in defiance of all acknowledged commercial principles, it was the settlement last year of the duty on tea. As to the practical result to be expected from the proposed change, the right hon. Gentleman had spoken of 28,600,000lbs. of tea, as having been the quantity brought to charge from the 22nd of April, 1834, to the 5th of April, 1835. Now the consumption of tea in 1833—1834 was 33,000,000 of lbs., and he was perfectly satisfied that there was an increasing consumption, and that the annual consumption now was 36,000,000 of lbs. If the object of the right hon. Gentleman was to obtain an increase of revenue from the duty on tea, then he might be justified in proposing the uniform duty of two shillings and a penny a pound, but if his object were merely to secure the same revenue as at present, he (Mr. Crawford) was convinced that a uniform duty of two shillings a pound would be enough. Further, he would say, that if the duty on all teas but Bohea were immediately reduced to two shillings and a penny per pound, and the duty on Bohea kept at its present rate of eighteenpence per pound, the increased consumption of Bohea would be such as greatly to increase the revenue.

The *Chancellor of the Exchequer* begged to say some words in reply. The figures which he had read did not comprehend the whole year, but they were just as good for his argument. With respect to the proposition of the hon. Member, it was one which, on reflection, he (the Chancellor of the Exchequer) was sure the hon. Member would not persevere in recommending. The hon. Member proposed to suspend the operation of the proposed measure on the lower descriptions of tea; but to carry into effect the reduction of the duty on the higher descriptions. Now in what condition would that put the owners of large quantities of the lower descriptions of tea, who had bought it when there was a high duty on the higher descriptions? It would drive them out of the market.

Mr. *Hume* regretted that his Majesty's Government had determined to abandon the discriminating duty. It appeared to him to be contrary to all principle to lay a duty of 300 per cent. on cheap teas, and a duty of not 100 per cent. on others. If Government were determined on this measure, there was no alternative, but he could have wished they had tried the existing system for another year.

Sir *John Rae Reid* declared that he had never entertained a doubt but that the system which the right hon. Gentleman now proposed was the system which ought to have been adopted in the first instance. Large sums had been lost by the course which had been taken; but that circumstance might, perhaps, ultimately do good.

Mr. *Goulburn* was disposed to give his right hon. Friend credit for acknowledging the error of the Government, and coming forward manfully to redress it. He confessed that it was peculiarly agreeable to him to perceive that the arguments, and even the very words made use of on his side of the House in opposition to the measure originally, were now quoted by the Government who brought it forward. He regretted that the plan proposed by his right hon. Friend had not been adopted then, as by that means a year's vexation and trouble and expense would have been saved, and the trade would have been in a more healthy state than it was at present. With respect to the amount fixed by his right hon. Friend, he should only say that he had his own doubts as to whether two shillings would not be amply sufficient for all fiscal purposes.

Mr. *Pease* thought the arrangement and scale of duties proposed by the right hon. the Chancellor of the Exchequer would be highly beneficial to the community. He much regretted, however, that the present system should be suffered to exist for another year.

Mr. *George F. Young* asserted that the rate fixed by the right hon. Gentleman would have the effect of increasing the absolute amount of revenue without proportionately benefiting the community. He thought that there would be no difficulty in extending the old system of auction to those outports at present permitted to enter tea; and to reimpose the *ad valorem* duty of 96 per cent. would, under those circumstances, he was satisfied be productive of much profit to the Government as well as satisfaction to the community. The charge on the public, by the right hon. Gentleman's proposition, would be much greater than it ever was before.

The *Chancellor of the Exchequer* denied that the charge on the public would be greater than before. As to the suggestion of the hon. Member, it would be quite impossible, consistently with justice and fair dealing, to adopt it.

Mr. *Warburton* approved of the plan of the right hon. Chancellor of the Exchequer, but he thought it was in the power of that right hon. Gentleman to diminish the rate of duty below what he had fixed it at. For instance, he thought that two shillings would be found amply sufficient while striking off the odd penny would have the advantageous effect to all parties of simplifying calculations on the subject.

Resolution agreed to, and the House resumed.

## HOUSE OF LORDS,

### *Tuesday, July* 14, 1835.

MINUTES. Petitions presented. By the Earl of ABERDEEN, from Greenock, against any Alteration in the Timber Duties.—By the Earl of MANSFIELD, from Kincleven, for Protection to the Church of Scotland, and for further Accommodation in Scotch Churches.—By the Duke of WELLINGTON and Lord KENYON, from Members of the University of Oxford, against the Subscription to the Thirty-nine Articles' Bill.

DUTY ON PAPER.] Lord *Brougham* presented a Petition from the letter-press printers of London and Westminster against the Stamp-duties, and against the Excise-duty on paper. This last petition, which was exceedingly well drawn up, was signed by above 1,700 persons who stated in the clearest manner the evils of these taxes. He himself knew of a publication that was very extensively circulated, and to which some very eminent men communicated some of their scientific labours. Among these men was Professor Whewell —he might mention the name without any breach of confidence, because that very learned Professor had avowed the fact, and had collected some of his contributions and published them among his works. He had inquired, out of a curiosity upon such an interesting matter, with a view to find what was the proportion which the tax on the paper bore to the compensation given to the able and scientific men who contributed their stores of knowledge to the publication, and he had asked whether it amounted to one-tenth or one-fifth, and he found that it was not one-tenth of the amount but ten-tenths, that is, just that the whole of the tax on the paper of this publication, the circulation of which was 60,000, amounted to precisely as much as did the compensation paid to the writers. This was a remarkable instance of the operation of the tax. He did not propose to take off the duty altogether, but to reduce it; and he was sure that even if it was reduced no more than one-half, it would produce a larger revenue than now. This had been shown with respect to other duties, and yet there were still people stupid enough not to be taught by experience in this as in other things.

POOR LAWS.] The Duke of *Richmond* wished to call their Lordships' attention to the Petitions of the inhabitants of two places in Sussex. The petitions related to the new Poor-law Bill, and more particularly to that Clause of it which related to the expense of building workhouses. The farmers and the tenants for short periods chiefly complained of this Clause, for as their interest was only to last for a few years, if the expense of these buildings was thrown on them the landlords would have all the advantage at their cost. He regretted the existence of the Clause, and thought that the tenants had a just right to complain, and the landlords ought to pay their fair share of the expense. In his opinion the parishes should borrow the money, and should have an extended time to pay it in. He should suggest as an alteration in that part of the Bill, that they should lend money to the parishes at a small rate per cent, payable at some years after the loan; he wished the Government would consider the suggestion.

The Earl of *Radnor* said, that if his memory did not deceive him, the money that was to be laid out in the repairing or the building of workhouses was to be paid off in five or ten years, a fact which seemed to him to meet the views of the noble Duke.

The Duke of *Richmond* said, that that was the case with regard to such of the money as was borrowed, but was not the case with such money as was raised by rates. In his opinion, however, ten years, did not afford sufficient time, and he should suggest twenty or twenty-five years. The petitioners suggested thirty years; but he thought that too much.

BUILDING OF THE HOUSES.] The Duke of *Cumberland* asked, what was the intention of Government as to the buildings for the temporary accommodation of the two Houses, and especially what was intended with respect to the remaining walls of St. Stephen's Chapel?

Viscount *Duncannon* said, that it was necessary to consider the subject, and that before he advised his Majesty to direct the adoption of any course with respect to the walls of St. Stephen's Chapel, he had thought it right to have the opinion of some other architects. He had submitted the question to Sir Jeffrey Wyattville, who, after examining the walls, thought them to be in a good state, and that with a small expense they might be perfectly restored. After receiving that opinion, he had sent to have the opinion of three other architects, Mr. Montague, Mr. Inwood, and Mr. Cave, whom he had understood to be extensively employed in large buildings, and well acquainted with the stability of them. Two of these gentlemen confirmed the opinion of Sir Robert Smirke, the third said, that the upper part of the walls must be taken down; but that the under part of them might be restored. He had since then taken the opinion of two other architects, Messrs. Savage and Cottingham, and they stated distinctly that they had examined the walls, and were of opinion that they might be restored without any great difficulty or expense, and also that the walls were not now in a dangerous state. He had also received an opinion from Mr. Laing, who said that the walls were dangerous. Under these circumstances he should make no positive recommendation without further examination. He ought to observe, that in the proposition laid before Sir Robert Smirke with a view to the temporary accommodation of the House of Lords, the question of the possibility of St. Stephen's Chapel standing or not had never been introduced, and he did not seem to imply from his answers before the Committee, that for building the temporary House of Lords, it would be necessary to take down the walls of St. Stephen's Chapel. The questions put to him were distinct from that, and that matter had only recently been submitted to his consideration. It ought to be observed also, that in almost all the opinions of the architects, though some said the walls would stand, and others that the walls must be demolished, yet all agreed that the ornamental work and tracery must be removed.

The Marquess of *Lansdowne* observed, that the noble and illustrious Duke was aware that the Committee had to secure not merely the old walls of the building, but also the indispensable safety of those which were now to be erected. He was glad that this opportunity had occurred of correcting what he conceived to be a misrepresentation which had gone abroad on this subject. He could assure their Lordships that there was no individual belonging to the Committee who was more anxious than he was to preserve any part of that Chapel in its ancient form, and with all its ancient recollections, so far as there were any practicable means of doing it. Of course such an object was not to be attained at the cost of great individual danger to those who might frequent such a building. If the old walls could be maintained without danger, they would be maintained; but if it should be necessary, they must be demolished, at least to a certain extent, with a view to restore the rest.

The Duke of *Cumberland* wished the walls to be saved if it was possible. In his opinion, the reports of the architects should be shown to the House, and submitted to his Majesty before they were finally received and acted upon.

COMMITTEES OF PRIVILEGE.] The Marquess of *Westmeath* said, he should not have troubled the House with what he was about to mention, but that it really was a matter of very considerable consequence, relating, as it did, to the injury sometimes suffered by suitors at their Lordships' House. He had been in attendance yesterday upon a Committee of Privileges, upon a claim of Peerage, and the House was kept waiting one whole hour, from ten to eleven, without the means of doing anything, because there was not a sufficient number of Peers ready to form a Committee. In consequence of this a case was postponed to Thursday, and then the further hearing of the Peerage claim was anticipated, and was fixed for to-morrow. Great inconvenience was felt by the suitors, if there was not a sufficient number of Peers present to do their business. In his opinion there should be, for Committees of privilege, as well as for the other judicial business of the House, an attendance in rotation, by which the attendance of a sufficient number of Peers would always be secured. As matters stood at present, the suitor might have to incur a great deal of unnecessary expense—such as to re-fee Counsel, and pay other expenses which need not be incurred but on account of the delay.

Lord *Brougham* was unwilling to enter upon this matter at this moment, as it would have the effect of postponing what they were all anxious to hear—the discussion on the order of the day; but he must say, that the matter referred to by the noble Marquess, was the cause of much prejudice to the interests of suitors. What the noble Marquess said was perfectly true — they had been detained yesterday for the best part of an hour, which, however, was not unusual, waiting for a sufficient number of Peers to constitute a Committee; for it was often very difficult to get seven Peers together in the morning, so that they lost an hour, and might very likely make parties pay the expense of an additional day besides that to which the hearing was postponed. He wished that some rota was established, as in the judicial business of the House, for that might have the effect of avoiding the mischief. He should be ready to give his best attention to the subject, and to assist in procuring a remedy. He begged, however, to say, that he was not to blame in this matter; for he had no choice but to postpone the full hearing of a case then before the House, and he had anticipated the next hearing of the Peerage case, lest there should be nothing before the House to-morrow.

The Marquess of *Westmeath* had not intended to blame the noble and learned Lord; what he complained of was, the occurrence of a circumstance which had entailed so much unnecessary expense on the parties.

Lord *Farnham* thought that, however, it might be expedient to postpone a case, it could never be proper to anticipate it, for the parties might not be fully prepared; and therefore he should propose that, instead of to-morrow, a future day for the hearing of this Peerage case should be fixed. He thought that there would be some inconvenience in the plan of the rota. It was well known that it was always considered that lay Lords should not interfere with law cases, so that it did not much matter who were upon the rota for the judicial business of the House; but it was most important and most proper that all noble Lords present at the hearing should take part in cases of claims of Peerage, and if the rota were established with regard to them, it might happen that some would hear part of the case one day, and the others the remaining part on another day. Some remedy for the evil should, however, be adopted.

Marquess of *Westmeath* thought that though the rota were established as a rule, the same noble Lords who had heard part of any one particular case might still consider themselves bound to attend on every other day till it was heard out.

Lord *Brougham* agreed with what had fallen from the noble Marquess; but with respect to what the noble Lord had observed, as to the inconvenience of anticipating cases, he begged to say that though such a course was unusual, it was not without precedent. He himself had frequently anticipated the hearing of the causes. Many cases appointed for the Monday, had been taken on the Friday, the Thursday, or Tuesday preceding, without any inconvenience whatever. In the case now referred to it was clear that the parties must be prepared, for if there had been time, the whole case would have been heard out yesterday, he begged also to observe, with reference to what the noble Lord had said, that a question of a claim of peerage was as much a matter of law as anything else.

Lord *Lyndhurst* observed, with respect to the inconvenience of proceeding to-morrow with the case of the claim of peerage that he now saw in the House most of the noble Lords—he believed all—who were present yesterday, at the hearing of the case, and if they would agree to come to-morrow, the matter might be disposed of without difficulty. As to the other case, he should be unable to attend to-morrow, and it was therefore postponed, as he had heard part of it; and his noble and learned Friend had appointed the Peerage case for to-morrow, that their Lordships might not lose a day. With regard to the rota, he begged to say that there was no rule as a rota adhered to. The only rule that he knew of was, that when a noble Lord had attended once, he was not called on to attend again in the same session.

Conversation dropped.

SUBSCRIPTION AT THE UNIVERSITIES.] The Earl of *Radnor* moved, that the Subscription to the Thirty-nine Articles Bill be read a second time. The question which their Lordships had now to decide, was solely as to the principle of the Bill. If there were any errors in its details, they might be remedied in the Committee. The principle of the Bill was, to abolish the Subscription to the Thirty-nine Articles and the question to decide was whether the Thirty-nine Articles should be taken as a test on admission to the University of Oxford or of Cambridge or not. There were Clauses in the latter part of the Bill saving all the endowed schools, and saving all the rights of the bodies having authority in either of the Universities, and also preserving the rights of the Convocation. The principle of the Bill was, to put an end to the subscription to the Thirty-nine Articles by persons on entering the University, providing that they should not make that subscription before they had arrived at the age of Twenty-three or before taking the degree of Bachelor of Arts or that of Master of Arts. Perhaps their Lordships were not fully aware of the different practice in the two Universities on this subject. He should do his best to explain it to them. At Oxford, the applicant for admission was called upon to subscribe to the Thirty-nine Articles on matriculation, which was not the case in the University of Cambridge. At Oxford also the person about to be matriculated was obliged to subscribe the three Articles contained in the 36th canon, which was not required at Cambridge. The object of the Bill was to render such subscription unnecessary at the time of entrance into either of the Universities, or until the party should have attained a certain age, or should have proceeded to take the degree of Master of Arts. He could not help thinking, after all that he had heard on this subject—after all the consideration which had been bestowed on it—after all the discussion to which it had given rise in this and in the other House of Parliament—that none of the arguments which had been adduced against the principle on which the Bill was founded were satisfactory. He could not understand the absurdity—he would not use a worse epithet, of calling on boys of 16, 17, or 18 years of age, to subscribe the Thirty-nine Articles on their matriculation,—articles of the nature of which they knew nothing. The idea of young men being thus called on to subscribe that which they did not understand was as offensive to common sense as it was to the principles of morality. To say that individuals might with propriety be called on to sign such and such things, without knowing or understanding them, appeared to him to be perfectly ridiculous; yet such was the assertion, such was the language, which he heard used from time to time by different individuals. For his own part, he felt the utter impropriety of adopting such a system. He could not understand how anybody could justify themselves for calling on any person, un der any circumstances, to subscribe hi name to that of the nature and tendency of which he was ignorant. That, however, was what was done every day at the University of Oxford. Young persons were called upon to subscribe their assent to that of which they knew nothing at the time, but which after that assent had been recorded was to be explained. The continuance of such a system was calculated to sap the very foundations of morality and make men hypocrites and deceivers. If individuals were thus called on in one case to bind themselves to a belief in that which they did not understand, how did he know that any person who subscribed anything, at any time, or under any circumstances, really did believe what he subscribed? In the last discussion which took place upon that subject in the hearing of their Lordships, he had illustrated his argument by reference to a paper against the Bill which he had introduced, signed by 4,000 Members of the Convocation of Oxford, and he had argued that if the subscription to any paper did not imply a knowledge of its contents by those who made it, he did not see how it could be shown that any one of those 4,000 persons assented to the statement made in the paper to which he had referred. There was no difference in the principles which applied to the two cases. If he did not suppose, in consequence of seeing certain names appended to the resolutions contained in the paper that those who subscribed them were acquainted with the subject to which they related, how could he tell that they understood the nature of those resolutions more than the young men on matriculation understood the nature and tendency of the Thirty-nine Articles? There really was no mode of knowing decidedly what the conviction in the minds of the parties was with reference to one case more than to the other. This did away with the value of this system of subscription altogether. How could any person know that those who subscribed the resolution in question really understood them, and fully believed in their contents? He, however, knew that many of the Gentlemen who subscribed those Resolutions (not perhaps without seeing and understanding them) had certainly done so without accurately knowing the object to attain which the Resolutions were framed. They had signed the Resolutions without seeing the Bill, or being acquainted with the provisions of the Bill against which those Resolutions were directed. This he knew of his own knowledge, because he was informed by some of them that they really were not acquainted with the provisions of the measure against which they thus expressed their hostility. From this circumstance he inferred, that the practice which was at so early an age inculcated at the University, the practice of subscribing to that which was not understood, formed the groundwork of a certain degree of looseness and laxity in this matter of subscription. The difficulty which was connected with this subject had very much increased lately—it was now considerably greater than it was a year ago, in consequence of the different meanings given to this process of subscription. How could any man know under what sense or meaning he subscribed the Thirty-nine Articles when so many definitions were attached to the ceremony? It was impossible for any person to tell. One person said, that by subscribing, the individual declared that he belonged to the Church of England; another, that he admitted by subscribing that so far as the persons understood the Thirty-nine Articles he assented to them; another said, that the person subscribing, thereby declared that those Articles should be his rule of conduct during the period while he remained in the University. Could any person therefore decide in what sense he was called on to subscribe these Articles? The names of persons about to be matriculated were, it appeared inserted in a great book, but not a particle of these Thirty-nine Articles were read. But as the system had continued for 150 years, that he supposed was considered a valid reason for continuing it. He repeated that, on matriculation, a large vellum book was produced, containing a great many names, but nothing was read about the Thirty-nine Articles, and, for aught he knew, those articles were not contained in the book. A friend of his had turned over the leaves of the book, and he could not find the Thirty-nine Articles in it. He could give a very curious confirmation of the careless manner in which these things were in the habit of being done. Very lately a proposition was made to the University of Oxford to substitute a declaration in the place of subscription to the Thirty-nine Articles. Amongst those who were particularly zealous in canvassing against that proposition was a Gentleman nearly related to himself, an intimate friend of his, and one who was extremely ardent in the support of any cause which he supported. He circulated printed letters, which were addressed to all the non-resident Members of the convocation, and in which he strongly opposed any alteration in the existing system. In this letter he said, "May I take the liberty of adding, since some of the absent Members may not recollect the circumstance, that at matriculation there is no oath taken connected with a subscription to the Thirty-nine Articles." [Lord *Kenyon*: There is no oath now taken with respect to subscription of the Thirty-nine Articles.] He was aware of that; but what he complained of was, that this subscription was made in so loose a way that there were many who thought that no oath was taken at it; and it appeared from the letter to which he had just referred, it was supposed that many who had actually subscribed these Articles, were in a doubt as to whether or not they were bound to their observance by an oath. It was well known that with regard to Oxford (and to it he more particularly directed his observations, being most intimately acquainted with it)—it was well known with regard to Oxford that tests were insisted on for the purpose of excluding Dissenters from the University. Now, he did not very well see what value could be attached to a test which it was notorious those who took it did not and were not called on to understand. Such a test could furnish no criterion by which to judge whether a person was a Dissenter or a Mahomedan. In point of fact, however, Dissenters were not excluded: a particular class of Dissenters, Baptists and Socinians, were excluded, but the Universities were not thereby confined to Members of the Church of England. But the absurdity of continuing this test with a view to the exclusion of Dissenters was, that those belonging to the University maintain that there were other tests much more efficacious for this purpose; and it was said by one of these persons, "the joining in our daily worship is infinitely a closer union with the Church than signing the Thirty-nine Articles." If that were the case, and the attendance at the chapels, (the continuance of the service in which could not be objected to) was a much better means of securing the non-admittance of Dissenters to the Universities, why on earth was the subscription, which all must consider somewhat objectionable (though they might not censure it so broadly as he did) persevered in, whilst the purpose which it was meant to answer was perfectly fulfilled by means with which no one could fairly find fault? But other reasons were giving for an adherence to this subscription, and amongst them it was alleged that this observance inculcated a submission to the Church of England. Why, he asked, should the Universities inculcate submission to the Church? They might call on the students to attend to their regulations and conform to their practice, but why inculcate submission to the Church? The mode, too, in which they inculcated this submission was very extraordinary; it was altogether different from that to which the Church itself had recourse. The Church never called on any of its lay members to subscribe the thirty-nine articles on any occasion whatever. Candidates for Orders were very properly required to subscribe them, but neither at the baptism of infants, nor of adults at confirmation, at the sacrament, nor before absolution, was subscription to the Thirty-nine Articles required of any layman, unless he happened to go to the University of Oxford or Cambridge. One of the great arguments advanced in favour of this subscription in the debate last year arose out of the alleged bad effects which were represented to have followed the abolition of Tests in the German Universities, where a great deal of theological anti-Christian doctrines prevailed; the inference to be drawn being that, of course, the same results would be introduced into this country, if subscription to the Thirty-nine Articles were dispensed with. This argument, however, proceeded on the assumption that the German Universities were the only ones in the world where Tests were abolished. He would presently show how unfounded this supposition was; but he would now take it for granted, that in the German Universities only were these Tests done away with, and yet he would confidently assert, that no one acquainted with German literature could believe that the same effects would result from such a change with respect to religious Tests in this country, as must naturally flow from it in a country where the inhabitants, and especially those of highly cultivated intellects, were of an exceedingly theoretical and speculative turn of mind on religious subjects. But this passion for speculation not only prevailed with respect to religious matters, but it displayed itself also in their prosecution of literature and the sciences. For the purpose of proving what no doubt their Lordships were already familiar with, it would be only necessary for him to state, that one very learned Geologist in that country contended that man was not an original animal, and that he arrived at his present form, not by a transmigration of soul, but by a transformation of body, and he actually went the length of saying, that the process by which the transformation was effected was this—that a lizard was changed into a monkey, and a monkey raised into a man. Another instance of this was, that one of their learned men had composed a most voluminous work on the Jurisprudence of Ancient Athens, in which he recounted all their modes of legal proceeding, treated of their John Does and Richard Roes, their pleas, answers, replications, and rejoinders; and the only foundation of this extraordinary work was a trial said to have taken place before the Goddess Minerva, in one of the Plays of Æschylus. These things he mentioned to the House for the purpose of showing the absurdity of drawing any inferences respecting the Abolition of Tests from what had taken place in Germany. But in addition to this, attention should be paid to the nature of the German disposition upon religious subjects. In illustration, he should just observe that the origin and progress of the Reformation were totally different there from what they were in this country. In Germany the Reformation began amongst the learned Members of the Universities, and they were followed by the People and the Government. In this country the contrary was the case—the Reformation began with the Government, and they were followed by the people. Again, in Germany the Universities robbed the Churches, while in this country the Church robbed the Universities. In Germany, too, the Professors' chairs were profitable in proportion as they were popular. They were paid by the persons who attended the lectures, and therefore were they obliged to maintain and follow those principles and views which would render their situations at once popular and profitable. Such a state of things did not exist in this country, and therefore it was unfair to refer to the German Universities for an illustration of the effects that would be likely to follow from the Abolition of Tests. But there was something strangely inconsistent in the argument which was urged against the Abolition of Tests, grounded upon the nature of those theories that were put forward by divines and theologians in those places in which the Abolition had taken place. It was a fact, certainly peculiarly comical, and altogether unknown to, or overlooked by those who cited the prevalence of anti-religious feelings and doctrines in those Universities, as a reason why religious tests should not be got rid of in the Universities of Oxford and Cambridge, that the principal part of these anti-religious doctrines proceeded from those persons in the Universities of Germany, who held theology in chains; and these persons being divines, were the individuals who were subjected to religious Tests, whilst the other members of the University were excepted from their observance. Therefore, far from the partial Abolition of Tests in Germany being any argument in favour of their being retained in our Universities, the fair inference to be drawn from the spread of anti-religious feelings in that country was, that such an effect had been produced by the preservation of these Tests in any shape whatever. But were these religious Tests abolished in no other country beside Germany? Why, in France no Tests were required for persons entering the Universities, and all were equally eligible for the chair of professors. One of the present Ministers of France, M. Guizot, who is a Protestant, held a Professor's Chair in one of the Universities of that country. In Bologna, no religious Test was required for persons coming to receive instruction, or those desirous of taking degrees. At the University belonging to this place no Test whatever was required until very lately, when it was determined that no Foreigner should be admitted to the University, in consequence of the pupils having rebelled, and evinced a desire for the establishment of a Republic. In Louvain no Test was adopted. In Pisa none. The University of this city was attended by Greeks, Jews, and Mahometans; and the only difference which existed between the mode of admission to degrees for those belonging to such persuasions, and the others who attended the University, was, that in the former case the Chancellor (who was generally a Vicar-General, or Archbishop) got out of the Chair, and the Vice-Chancellor took it. He could state further, that no Test was there required for Professors; and he could even show cases in which the Chair in Pisa had been filled by an English Protestant. At the latter end of the seventeenth century, Thomas Forbes, a Scotchman, was Professor of the Historical, and afterwards the Philosophical Faculty. And about ten years later, Sir J. Finch, an Englishman, filled the same Chair. Gronovius, also, before his return to Leyden, was a Professor there. The same might be said of Padua, where no Test is required, and it frequently happened that the chairs there were filled by Foreigners—by Members of the Church of England—by Presbyterians and by Calvinists. He had the names of many, to some of which he would just advert:—Dr. Walter Charlton was invited in 1678 by the Moderator of the University of Padua and the Senate of Venice, to the Chair of Practical Medicine, but after long negociation, he refused to give up his practice and appointment in England. In 1698, Dr. Martin Benenden was invited from England, but from incompetency was disqualified. In 1716, N. Bernouilli, a Calvinist, was Professor of Mathematics, and Gronovius and Salmasius, both Calvinists, were invited to Chairs. It appeared evident, therefore, that in these Roman Catholic countries—in the Roman and Venetian States, formerly, and in the Austrian States at present,—there was no jealousy on religious subjects, nor were any Tests whatever required. Although, continued the noble Lord, I see a noble Lord opposite smile at what I have said, I must say, for my own part, that I who have been brought up a Protestant, and who as such have been taught to conceal nothing in religious matters—to leave religious doctrines open to rational consideration, and to test their truth by the exercise of private judgment—I say that I, at least, bred up as I have been, a Member of the Established Church, cannot help being mortified, and feeling in some degree ashamed that the doors of our Universities should be shut up by the enforcement of a religious Test, whilst those of Roman Catholic Universities are thrown open to persons of all religious persuasions. But this liberality in opening the Universities to men of all religious opinions was not confined to Catholic countries. In the Prussian States, in Baden, Breslau, and Copenhagen, the Universities were open to all. In Copenhagen one of the Professors of Medicine was a Jew. Coming nearer home, he believed that in the University of Durham, which had been established by Act of Parliament, no Test was enforced with regard to those who came for instruction. Was it not, therefore, a matter of regret, that the Universities of Oxford and Cambridge should be the only ones in Europe or in the world, which were shut up by the continuance of Tests which those who were called on to subscribe had not been at the pains to study, or could not understand? In the University of Oxford (and he spoke principally of this University, because he was better acquainted with its history than that of our other Universities)—in that University persons were formerly admitted, not only belonging to different countries, but professing different religions. It was a matter of history, that about 450 years ago, the first Reformer in England, (Wycliffe) one whose efforts were as great for the propagation of Protestantism as those by whom he was afterwards succeeded (however more successful the latter might have been in receiving a larger share of popular approbation), the Reformer Wycliffe, he repeated, continued to hold the Chair of Professor of Divinity, and remained the head of one of the Houses at Oxford, long after he had been summoned to the Court of Rome to answer for his heretical doctrines. He found, too, that in 1547, Peter Martyn, D. D., Padua, and 1556, Joannes Fautereille, were Professors of Divinity in Oxford. Again, in 1587, Albericus Gentilis, D. C. L., Perugia, was Professor of Civil Law; and in 1648, Louis de Menlin, of Leyden, was Camden Professor of Ancient History. One of the most liberal bequests made to the University was that of —— Saville, who bequeathed an estate for the establishment of a Professorship in Geometry and Astronomy, and in leaving that bequest he appointed the Chancellor for the time being, and the Chief Justices of the King's Bench and Exchequer, to appoint the Professors, and he besought them not to confine their researches to England, but throughout "the whole Christian world," to seek persons the most fit to fill the situation, and he provided for this by allocating funds to defray the expenses of going abroad for the purpose of making this search. He mentioned this for the purpose of showing that the principle of exclusion was new in Oxford. Saville, to whose bequest he had adverted, was not ignorant of the practices of Oxford. He was himself a head of a house, and had accompanied his bequest with the condition adverted to, in the full and perfect knowledge of what were the rules and practices of the University of Oxford. Therefore, while all Foreign Universities were open, Oxford and Cambridge alone were closed. He could not reconcile the principles on which this institution rested in former times to those by which it was now sustained, on any other ground than that which had been urged by a noble Duke (Duke of Wellington) on a former occasion, namely, that the exclusive practices of the University were necessary to maintain the alliance between Church and State. He did not at first understand the argument; but after considering it for some time, he supposed it to mean that the University was so connected with the Established Church, that it was necessary to have it exclusively devoted to those belonging to that Church. The mode by which that alliance was secured and confirmed was unquestionably a very strange one, for it was no other than this—that those who are about to enter the University were called on to subscribe the Thirty-nine Articles. He had already proved that the Church never enforced an obedience to its doctrines, by requiring its lay members to subscribe these Articles. The State never did so either, with one necessary and proper exception—where a person who presided as one of the Judges in the Ecclesiastical Courts, and who was called on to decide questions relating to the Thirty-nine Articles was required by Act of Parliament to subscribe them. That was the only case in which the Church called for a subscription to these Articles. The King did not subscribe them. The Chancellor of Oxford and honorary doctors did not subscribe them. The Chancellor of Cambridge or the honorary doctors of that University did not subscribe them. [The Duke of *Wellington:* I signed them the other day at Cambridge.] He could speak with certainty as to the University of Oxford. Did the noble Duke sign them as Chancellor of the University of Oxford? He believed not. Certainly the Statutes did not require him to sign them, but he did not think that any of the charters of the

University of Cambridge required that honorary doctors should make the subscription. Certain he was that no subscription to these Articles was required in the case of the Chancellor of Cambridge, for a late Chancellor (the Duke of Grafton) was an avowed and professed Unitarian. Neither did honorary doctors there subscribe to the Thirty-nine Articles. He himself happened to know that at the annual meeting of scientific men, there were four highly distinguished men,—Messrs. Faraday, Dalton, Brown, and Birkbeck, who were, however, incapable of being admitted on account of their being Dissenters. They were, however, admitted *speciali gratia*, (as we understood the noble Earl) upon that occasion in compliment to their attainments. That showed the evil effects of supporting that principle of subscription to the Thirty-nine Articles. The whole of that argument to which he had adverted, respecting the close alliance of the Church with the State, was founded upon a mistake. This union of the Church with the State had no necessary connexion whatever with the Universities. The Universities had no more necessary connexion with the Church than they had with any other faculty. They were connected with the law, with medicine, and with theology; but *quoad* a University no more intimate connexion existed with any one of these faculties than with another. The mistake which so generally prevailed upon the subject had grown up from the fact of all the offices being usurped (he did not mean it offensively, but there had been a usurpation) by the heads of colleges. The Universities did not exist in colleges. It was perfectly erroneous to suppose they did. The colleges were extraneous—they were, in fact, excrescences—not properly belonging to the body. The error, he was aware, was general, and deeply-rooted. Authority, he was aware, might be quoted in opposition, and to one authority he should refer. It was that of a right rev. Prelate, (he did not then see him in his place, although he had been there in the early part of the evening) and was to be found in a work of which that right rev. Prelate was the reputed—indeed he believed the acknowledged author. That right rev. Prelate had been himself the Head of a house which he had raised to a great degree of eminence. (We understood the noble Earl to say that the Prelate was the Head of Oriel College.) In that work he said—" The Universities are not national establishments;—they are a *congeries* of Corporations moulded into one." Now he (Lord Radnor) said, that the Universities were national establishments and not *congeries* of Corporations. The Universities existed for hundreds of years before any of these Colleges existed. Oxford certainly existed before any of these colleges, though there was some doubt as to whether " University College" was or was not the site of the University. This, however, was a mere subject of speculation, and no doubt existed that no other college was founded. But he would put a hypothetical case. Suppose the Legislature were to do any thing so outrageous—he did not mean to say they ought —but suppose they were to do any thing so outrageous as to take possession of all the colleges, as had been done with the Monasteries before, would the Universities in that case cease to exist? Most certainly not. Therefore it was quite evident that these Universities were not a *congeries* of Corporations—made up of these (subsequently established) Colleges. But he contended that they were national institutions—with all the elements and all the requisites of national institutions. They were founded by charter granted by the King—not for a particular purpose, but for the good of the country. That charter stated that " the good of the country, its strength, and the prosperity of its military institutions depended upon the literary and scientific education of the people," and for the promotion of this object was the charter granted. These Universities, too, were watched over in the most zealous manner by the Crown. In ancient documents and papers to which he had referred, he frequently found the Universities mentioned, but there was never any mention of the colleges. There were only two colleges mentioned, Oriel and Merton, and the latter was mentioned for the rather curious reason that it did not take care to keep a ditch opposite the college clean. In the Statutes of Elizabeth all mention is omitted of colleges. The preamble of the 13th. of that Queen, c. 26., recites:— " For the great love and favour that the Queen's most excellent Majesty beareth towards her Highness's Universities, and for the great zeal and care that the Lords and Commons, of the present Parliament, have for the maintenance of good and godly literature, and the virtuous education of youth . . . . . . . and to the intent that the ancient privileges, liberties, and franchises of either of the said Universities ; . . . . . . may be had in greater estimation, and be of greater force and strength, for the better increase of learning, and the further suppression of vice." And enacts:—" That the Right Honourable Robert Earl of Leicester, now Chancellor of the said University of Oxford, and his successors for ever, and the masters and scholars of the said University of Oxford, for the time being, shall be incorporated, and have a perpetual succession—in fact, deed, and name—by the name of Chancellor-Master, and scholars of the University of Oxford; and that the same Chancellor-Master, and scholars of the same University of Oxford, for the time being, from henceforth, by the name of Chancellor-Masters and scholars of the University of Oxford, and by none other name or names shall be called and named for evermore." It was quite obvious that this Statute did not contemplate colleges, nor was there any reference to masters of colleges. By the term " masters," in the Act, Masters of Arts were meant. The Universities, then, were simply schools of learning; but it became desirable that a domestic character should be given to them by the establishment of colleges or halls: and according to the statutes which existed till within four months ago, the power of establishing halls existed to an unlimited extent, according to certain forms; and formerly there were as many as 300 halls existing at one time. New statutes had been passed within the last four months; he had not seen them, and what their provisions were he could not tell. However, the power was originally possessed to an unlimited extent, and to him it appeared to be a most valuable and useful power; for it prevented the narrowing of the University to an injurious extent. The colleges were originally established by individuals, and endowed by them with funds for the benefit of persons studying at the University. One of the most splendid of these institutions was Merton College, which was founded by Walter de Merton, and endowed by him with large estates for the benefit of persons educated in the University; at the same time he limited the advantage to certain persons —namely such as were born within particular dioceses—the dioceses indeed in which his property was situated. In other colleges there were similar limitations, in some instances to a surprising extent. Indeed, out of the whole number of 499 resident fellowships, only fifty were open to all—the rest being limited by some specific bequest and restriction as to family, parish, county, or diocese. The whole revenues of a college—all estates and patronage—were for the benefit of the members of the foundation, and they were not bound to admit any individual into it except by the course of electing him into the foundation. It was only indeed in times comparatively modern—since the close of the 15th century—that the practice had obtained of admitting persons in any other manner. Unless, therefore, the general power, which he had noticed, of establishing halls, were allowed to exist, the heads of colleges would be enabled to limit the number of those admitted; and the restriction would operate on the Church by limiting the supply of proper persons to perform the functions of its offices. He thought that it would be much to the credit of the University of Oxford, if subscription at matriculation were abolished. Many persons were willing to concede that point, who at the same time contended for retaining the subscription at the taking of degrees, inasmuch as, according to their statement, the same objection could not then be urged on the ground of ignorance in the party subscribing, and as some security ought to be exacted from him, in consequence of his becoming fitted, by the taking of a degree, for election to a fellowship, or for acting as a tutor. With respect to the first point, concerning the absence of ignorance, it had been admitted as a fact, by a reverend Doctor who had written a pamphlet on this subject, that young men when admitted to the degree of Bachelor of Arts were not qualified to judge of the Thirty-nine Articles; and under the circumstances it was not likely that they should be. As to the election to fellowships, he could not attach any weight to the argument of a necessity of subscription, as a security on the part of those elected; for every one elected underwent a certain examination, and the electors might take a much more effectual means of obtaining a guarantee security of his fitness than was afforded by subscription to the Thirty-nine Articles. Then with respect to their becoming tutors, as the masters of houses had the appointment of these functionaries, they might easily ascertain the learning, knowledge, and faith of the persons applying to be appointed. The same objection that applied to the requiring a subscription, applied also to the requiring a declaration. Now as to young men who were obtaining the degree of Master of Arts, it must be allowed that they were likely to possess that degree of knowledge which should enable them to form a judgment on the Thirty-nine Articles; but at the same time it was a case of the greatest hardship towards a Dissenter, that after having passed with credit through his University career, he should be debarred from taking his degree, and enjoying the advantages attached to it in after life. Another objection was urged to this effect—that if Dissenters were allowed to take their degrees, they would be admitted to the masterships of schools which were instituted in connexion with the Established Church, the presentation to those masterships being vested in Masters of Arts. He was quite willing to insert a provision in the Bill, preventing Dissenters from interference with any endowment whatever, from which they were excluded under the will of any founder. The noble Earl then adverted to a most extraordinary objection which had been raised against this restricting portion of the Bill, in a published letter addressed to the noble Duke by a most respectable gentleman, a Fellow of Baliol College—making it a reproach to the measure that the exception had been provided in regard to endowments; and saying that the exception had been so provided, because it concerned a pecuniary interest. It was impossible for that gentleman not to know, that not one of their Lordships would be willing to sacrifice any principle for the sake of pecuniary interest; and it was certainly a strange argument to urge, that because they could not do all the good which they wished to do, in consequence of being interfered with by certain bequests, they should not even do that which they could. There had been presented that night petitions against the Bill. One had been presented by the noble Duke from the Convocation, and it prayed that a measure subversive of the beneficial privilege which the University had enjoyed for several centuries, of legislating for themselves in all matters relating to the discipline and government of the University, might not be passed. The Bill left that privilege entirely as it existed before, except in one instance; it did not subvert it, although he admitted that it violated it. It did not prevent the Convocation from legislating for the discipline and regulation of the University, but it did prevent their enacting, that subscription or declaration should be imposed. The petition spoke also of the necessity of preserving subscription for the maintenance of a system of education, by means of which so much benefit had been conferred on the country. Why, subscription had only existed for the last 250 years; and in what state had the University been thirty-five years ago? Had it not been described by a right reverend Prelate as being then in a state of corruption? Yet the privilege of legislating had existed from the time of 1681 to that of 1800, just as much as it had existed from 1800 to 1835. He could not suppose, therefore, that it was subscription to the Thirty-nine articles which enabled the University to legislate for the purposes of education. The Bill certainly violated that privilege; and he trusted that their Lordships would assent to the violation. There was no chance of the subscription being removed unless by their Lordships' interference. Of this a sufficient proof was found of the exhibition made at Oxford the other day, and in the zeal and animosity which had been then excited. It was said again that colleges were private institutions, and that the Bill thus committed an attack upon private institutions, because it said that no subscription should be required upon entering a college or hall. He admitted that it did so to a certain extent, and he had inserted the provision referred to with regret, in order to prevent any attempt to defeat the object of the measure by chicane. He did entertain that feeling of suspicion with great regret; but still he felt that he was justified in entertaining it, especially when he found that Mr. Oakley (the individual to whom he had before alluded) had held out an intimation of the probability of some measure of the kind being resorted to, in order to counteract the operation of the Bill. He, of course, should hope that such would not be the case, but still he thought it right to guard against it. The other petition which had been presented that night came rather furtively from the undergraduates and bachelors of the University; and he could not help thinking that it must have been drawn up by some gentleman totally unacquainted with the contents of the Bill. It deprecated the measure as transferring the management of the University from the hands of those persons who now held it. The Bill did not transfer that management in any way. It violated the custom of the University in one instance; but that violation being effected, the University would be left to the management of the same persons as at present, unfettered by the necessity of subscribing the Thirty-nineArticles, much, he doubted not, to the joy of many of those persons. It had been stated that the Bill was an attack not only on the Universities, but on the Church and religion. Now he wished to make no attack on any one of those institutions. He could not conceive how it could be supposed that he desired to attack the Universities; for with Oxford he had formerly been intimately connected, and with Cambridge he was now in some degree connected. He had no wish but for the prosperity of both; and he conceived that it would be a thing most conducive to their good to remove the reproach which the Bill was intended to do away with. Of that opinion were many excellent and learned men at Cambridge itself, as had been shown by the petition sent up to their Lordships; at Oxford the feeling in its favour was not so strong. As to the charge of an attack on the Church, he had already explained that the getting rid of subscriptions not only would not injure the Church, but might prevent that which would be very injurious to it. At all events, for the cause of truth, plain dealing, and honesty, he did implore their Lordships to give the Bill their grave consideration before they rejected it. Turn it in what way they would, that practice was most unsatisfactory in which persons were called upon to subscribe to the Thirty-nine Articles—at Oxford when entering the University, and at Cambridge when taking a degree at an age which did not imply a full knowledge of them. He thought it a stigma on the Church; especially when no such practice was to be found prevailing elsewhere; for he defied any noble Lord to name an university in the civilized world, at which such tests were required. The continuance of it in the universities of our own country, seemed to him a national reproach, and a reproach to religion. In conclusion he begged to move that the Bill be read a second time.

The Archbishop of *Canterbury* was far from imputing to the noble Earl who had just sat down an intention either to make an attack on the Church or to injure the Universities, because the tone in which he had delivered his speech had certainly indicated no such intention; at the same time, he was not the less apprehensive of the effects which this Bill must produce both on the Church and the Universities. It was not his intention to follow the noble Lord through the arguments he had drawn from the state of the Universities on the continent, or of our Universities established in modern times. He always had an objection to arguments drawn from the state of places in other and distant countries, in which the circumstances were probably different from ours, or with which we were not fully acquainted. Oxford or Cambridge he apprehended, had no occasion to take a lesson from the Universities on the continent. In some of them it was well known the utmost laxity of religious opinions prevailed, and the greatest indifference to all religion. In the Roman Catholic Universities it was not surprising there should be the absence of any test whatever. What was however very striking was, that in Catholic Universities on the continent, with respect to which the noble Earl had wandered into the century before last, persons of different religious persuasions might be admitted not only to prosecute their studies, but to hold professorships. He could not account for this, but he knew that in some of those Universities such toleration might be extended to particular persons without any apprehension on the part of the governing bodies, because they knew they had always the power of bringing into force the laws against heretics on any occasion whenever it might be necessary to set those laws in motion. With respect to the Universities here before the Reformation, the noble Lord had said, they were open to the whole world, and that nothing was then heard about the religion of the State. The noble Lord had cited the case of Mr. Wycliffe, but that eminent reformer was supported by some of the most powerful persons in the realm, otherwise he never would have been able to he sincerely believed would be promoted by a continuance of a subscription in the Universities. In this he could see nothing whatever that could tend to evil consequences, but fatal indeed in his apprehension, would be the consequences of this Bill, if it ever should be passed into a law. The sanction of that House, the sanction of Parliament, would then be given to a calumny against the Church, and against its fundamental principles. It would go forth to the world as the opinion of Parliament, that a peculiar creed of the Church was unfit for the assent of students, as being above their comprehension, or altogether unworthy of their belief; and that it regarded her peculiar doctrines not only with indifference but with disapprobation. The passing of this Bill would be the heaviest blow which had yet been inflicted upon the Church. It would be indirectly condemning her tenets, and pronouncing an assent to the proposition that those tenets were unreasonable and tending to evil consequences. When he entered the House he did not know the intention of this Bill—he did not know whether it was merely to relieve the members of the University from the necessity of subscription who, by the way, were not desirous of such relief, or whether it was intended to throw open the gates of the University to Dissenters. There was much to be said as to both. He did not accuse the noble Lord from what he had said of his approbation of certain Universities being open to the admission of Protestants, Catholics, Jews, Christians of every denomination, Pagans, and Mahometans, of a wish to admit Jews, Pagans, and Mahometans into the Universities of Oxford and Cambridge; but undoubtedly his statements might convey such a feeling to the minds of people. The present measure was one of the greatest importance, both with respect to our Church and Universities; and he called upon their Lordships to pause before they assented to an invasion of privileges which had been approved of for centuries, and to a disturbance of things which had and which still worked most beneficially. It was an interference with the discipline of the Universities without any charge of mismanagement, and that in a manner which threw a slur upon our Church, and a censure upon our Universities, for teaching a system of doctrine unfit to receive the assent of those who were educated in our institutions. He would conclude by moving, that this Bill be read a second time this day six months.

The Bishop of *Llandaff* said, that the Noble Earl who moved the second reading of this Bill having been pleased to refer to some expressions of opinion which he (the Bishop of Llandaff) had made use of on a previous occasion, he begged to say a few words in explanation upon that point. The opinion which he had given, upon which the noble Earl had commented, was this; that the University of Oxford was not a national institution. He begged to explain that that opinion was expressed by him under very peculiar circumstances, at a time when the Universities were loudly challenged as having grossly neglected their duties to the public, and when they were compared to the Municipal Corporations of the kingdom, which were then especially under consideration. That comparison he (the Bishop of Llandaff) considered a very dangerous one, for he thought he saw material points of distinction between the constitution of Municipal Corporations and that of the Universities of Oxford and Cambridge. It was in reference to these distinguishing features that he had expressed himself to the effect that the Universities were not national institutions. If, in that declaration, he was understood to imply that the Government of the country had no right to interfere when they saw a case of necessity, and to do their best to render the University establishments more subservient to the good of the nation, he begged distinctly to disclaim such a meaning, for he agreed entirely that the Government or Legislature of the country had that right. He hoped, therefore that the noble Earl would allow him to retract what he had said so far as this explanation went; and if the noble Earl were content with this explanation he should be happy to let the controversy end where it was. Now as to the interference which the noble Earl proposed to introduce, through means of this Bill, into the management and discipline of the Universities, he really thought that interference quite uncalled for and unnecessary; and that the noble Earl's speech in supporting the measure — a speech by no means a short one—was throughout a mere attempt at fighting a shadow. The noble Earl said, that the heads of colleges, in administering this oath or declaration, always said, that it was not required nor expected of the pupil to understand what he was subscribing to. Now, from his own experience, he would boldly contradict this assertion. Nobody in such a situation ever said or implied, by his manner, that it was not incumbent on the student to understand what he was professing to believe. Perhaps the difficulty on this ground might arise from the inaccurate definition applied to the word "understand." In his view of the matter the word understand in many cases, of which the present was one, did not mean a capacity to enter into all the proofs necessary to support the fact believed, nor so thorough a knowledge of all points of dispute as to enable the individual in question to undertake a controversial discussion upon the subject. There were many of the most ordinary truths in nature, many of the points in the Newtonian philosophy, which he fully believed, but which yet he did not feel in a condition to defend if they were disputed. So, in like manner, when the youth on entering the University declared his adherence to the Articles of the Church as established by law, what he then declared amounted to this, that he had hitherto been brought up in that religion of which those Articles were the profession, and that he was desirous of subscribing to the spirit of them, and of being educated in their doctrines. Again, the declaration which they made on this occasion was not like an oath. It was simply a declaration of the individual's belief at the time he made it, for the purpose of satisfying the heads of the college that he was a proper person to be admitted under their tuition. He thought it right to take notice of this point, when he looked to the wording of the preamble of the Bill, which, in using the word "implicit," declared that, "a full understanding was necessary in order to an implicit assent." The next point urged by the noble Earl was the hardship suffered by the Dissenters in being partially excluded from the Universities under the present arrangement. Now this, he must say, with all due respect, was a most futile complaint. He would refer to the opinion expressed on a former occasion by a noble Lord in that House, that religion was an indispensable part of a liberal education. It was well known that when the London University was established, there was a desire to include a religious course, if possible, amongst its advantages; but it was afterwards found to be impracticable to teach religion so as to admit all to the benefit of instruction. In order, therefore, to admit Dissenters of every shade of belief into its classes, the London University had been obliged to exclude religion; and in like manner, the Universities of Oxford and Cambridge, in order to admit religion into their course of instruction, had been obliged to exclude Dissenters. Whilst on this point he regretted the late decision which the University of Oxford had come to in respect to this subject; he thought that the passing of a declaration of the sense in which the subscription to the Thirty-nine Articles was held by them, would have answered all the desired purpose. At the same time he thought the system pursued at Cambridge a very good one. There the pupil was admitted on the understanding that he had adopted the doctrines of the established religion of the country; and if at any time the individual was disposed to change his opinions upon the subject, he was at liberty to withdraw. Upon this arrangement it might be observed that the University was very liberal, as long as education only was concerned, but was closed against the nonconformist applicants as soon as any of the emoluments of the University were in question; but the noble Earl adopted this very principle when he proposed that no persons should participate in the affairs of the University until they had subscribed to the Thirty-nine Articles. He would not further detain their Lordships with remarks, but conclude by declaring his intention to support the Amendment which had been moved by the most reverend Prelate below him—that this Bill be read a second time that day six months.

The Bishop of *Gloucester*, considering the manner in which he had been connected with the University of Cambridge, was bound to mention the grounds on which he felt it his duty to vote for the Amendment of the most reverend Prelate, that the Bill be read a second time that day six months. The noble Earl had stated, that the Bill in its present shape did not touch the University of Cambridge in the least, for that it commanded the University not to do what it had not been in the habit of doing. The noble Earl, however, proposed by his Bill to abolish a certain declaration made by those who were admitted to the degree of Bachelor of Arts at Cambridge—that they were members of the Church of England as by law established. If, therefore, he thought it was likely that their Lordships would agree to the second reading of this Bill, he should reserve what he had to say on this point for the Committee; but as that was not likely, he should proceed to discuss it at once. It was quite true, as the noble Earl had stated, that the Universities had taken a different line in maintaining uniformity of religious opinion, but although no declaration should be required from the Bachelor of Arts when he proceeded to his degree, he would still have, before he was admitted to his degree of M.A. to subscribe to the three Articles of the 36th Canon, one of which involved an agreement to the Thirty-nine Articles. Connected as he was with the University of Cambridge, he much preferred the method which was there taken, in calling for the declaration of a student's religious belief, to that which was followed at Oxford. This might arise from prejudice, or, perhaps from other reasons; but he could not forget that the interests of both Universities were exactly the same, and that the blow which was aimed at one must affect and wound the other. A change had been made in the time of requiring subscription in the University of Cambridge, but this had originated with the authorities of the University themselves, or rather in a petition preferred by the young men, in which they stated, that at the time of proceeding to the degree of Bachelor of Arts, they had not sufficient time to weigh all the different points of doctrine contained in the Thirty-nine Articles, but that, at the same time, they were firmly persuaded of the truth of those doctrines, but wished their declaration of belief in them to be put in a different form. When he was an officer of the University he came into contact with some old members of the University, who had been parties to that change, and they declared, that in making it, it was not their intention, or the intention of the University, that any persons but such as were members of the Church, should be either admitted to degrees, or to the right of giving tuition. He believed it was very well known, that young men of talent, after taking their degree of Bachelor of Arts, devoted themselves to the tuition of the undergraduates, and it was evident that, from this connexion they must enjoy considerable influence over the minds of their pupils. He looked, however, upon this Bill as the beginning of a series of measures equally hostile to the Universities and the Church, and he hoped their Lordships would allow him to say—and the remark was not one of to-day or yesterday—that whenever an attack was designed against the Church, the Universities were always the first object of assault. He did not mean to insinuate this intention against the noble Lord, who had expressly declared that his views were favourable to its prosperity; but the noble Lord must be well aware that the party who called out for admission into the Universities did so solely from the hope of getting appointed to headships, fellowships, and professorships. This was the course which had always been followed when the same object was to be attained. It was that which was taken by the long Parliament, in the reign of Charles 1st, in 1641 he believed, when one of the first measures directed against the Church was a declaration by the House of Commons that subscription to the three Articles of the 36th Canon was against the law and liberty of the subject, and ought not to be forced upon the members of the University. The consequence was, a fierce dispute in the University, and the University expelled those who would not subscribe. James 2nd, too, in the very first of the attacks he made on the Universities, sent down an order to the University of Cambridge to admit a person to a degree without subscription. This was exactly what was attempted to be done now. He would remind their Lordships that, if this Bill passed, the law of admission to the Universities would be in the most anomalous state possible. He would undertake to say, that more complaints would be heard upon this subject than were now made. The Table would be covered with the complaints of Dissenters, stating that they had been allowed to proceed a certain way; but when they became candidates for the honour of a fellowship, they were obliged to take the degree of M.A., and to subscribe to the Thirty-nine Articles. He was afraid, that after the introduction of controversial habits among the young men of the University, it would be idle to expect the same attention which was now devoted to liberal and scientific pursuits, and he was therefore favourable to the practice of keeping out of view, as much as possible, matters which would lead to religious controversy. It had been said, that no bad consequences had resulted from the matriculation of some young Dissenters at Cambridge, without requiring them to subscribe to the Thirty-nine Articles. He had observed this circumstance with pleasure, and as far as he had the opportunity of judging, he was bound to admit that no bad consequences had ensued from their admission. But these instances were very few, and when they were admitted, it was not as Dissenters, and indeed many of them afterwards took degrees, and professed themselves members of the Church of England. Others, it was true, left the University without taking a degree, but while they remained in it they participated in its privileges, not on a tacit but an express condition of attendance at lectures, religious as well as others, and at College Chapel, and till they left the University, it was not known, except perhaps to a few private friends, what their own religious opinions, or those of their family, were. He repeated, then, that he was glad that the Dissenters did, in some instances, join in communion with members of the Established Church at the University of Cambridge, but once admit this to be a right, and the case would be entirely reversed. The University would then, instead of being looked up to as a standard of the correctness of religious belief to members of the Established Church, be filled with popular and ardent preachers of the different hostile persuasions, and their Lordships might depend upon it, that the attention of the young men would be more occupied with these controversies than with the subjects which now engaged their minds. The noble Earl must be aware that the measure he proposed was too small and too short to stop here. The noble Earl might destroy subscription, but that would not prevent the adoption of other tests by most of the colleges, if not all; and that the only consequence of the success of the noble Earl's Bill would be, that perhaps one or two colleges in both Universities might admit Dissenters, which would shortly be deserted by all who belonged to the Established Church. Now what would be gained by this? Would it not be better that the Dissenters should endow an University of their own, on the same footing as Oxford and Cambridge, and run a fair and liberal course of competition with them? He did not and could not admit that our Universities were not nurseries for the Church of England. They always had been, and he hoped they always would be so. But if once the Dissenters were admitted there, they would no longer be places for the education of members of the Church of England.

Viscount *Melbourne* said, he was unwilling to give a vote, as he should do, in favour of this Bill, without addressing to their Lordships a few words. With respect to his opinion as to the propriety or impropriety of admitting Dissenters into the Universities, it was unnecessary for him now to go into that part of the question, because in the course of last Session he voted for a Bill which distinctly bore on the present question, and the object of which was to favour the introduction of Dissenters into the Universities. Having voted for that Bill clearly and distinctly—having voted for the question in that shape, he would say he by no means agreed with the right reverend Prelate who spoke last, that it was desirable for tranquillity, for religious peace, that an attempt should be made to put an end to the differences which existed between these classes of his Majesty's subjects, by the division of the parties, by founding distinct Universities for them, instead of inviting them to one place in common, where they would probably become united, where the habits of youth and their pursuit of the same studies would probably exercise a strong influence over them. He was sorry to hear such a proposition as the establishment of separate Universities proceed from such a quarter.

The Bishop of *Gloucester* said, the noble Lord mistook what he had stated on the subject. He had observed that it was to him a subject of satisfaction that the University to which he belonged had the power of extending the benefits of education to Dissenters, if they chose to accept it on the conditions which it was considered necessary to impose.

Viscount *Melbourne* understood the right reverend Prelate to say, that it would be better for the Dissenters to institute Universities of their own than to endeavour to obtain admission into the University to which he belonged. From that opinion he must express his dissent. With respect to the facility afforded by the University of Cambridge to the admission of Dissenters, he agreed with the right reverend Prelate, he knew that it had been productive of great advantage, and he thought it full time that such liberality was imitated by the sister University. He had listened with great attention to the opinions expressed by the most reverend Prelate who stood at the head of the Church. That most reverend Prelate said, that if the subscription were to be considered as an assent to the Thirty-nine Articles—as an admission of them after they had been carefully examined—that would be quite absurd; and in that case he should agree in all the censures and animadversions that had been cast on the practice. The most reverend Prelate also said, that the parties were desired to subscribe without a question being asked of them, without any examination on the subject—without even the Articles being read to them. If he had wanted the strongest statement he could get to show the gross absurdity of the practice, he must say he would ask for no stronger one than the statement made by the most reverend Prelate on the present occasion. Well, then, if this declaration of opinion to the heads of the University—if it were only a declaration of a willingness to be taught—if it were only a declaration that they were disposed to be instructed in the matter of the articles, why continue a practice which was evidently so absurd in itself?—why, for the sake of preserving it, submit to so much misrepresentation. Why maintain that which was liable to be so attacked, and complained of as it had been, and he was afraid with much justice by his noble Friend. The most reverend Prelate said that the University owed it to itself that it should have proof that those who applied for admission belonged to the Church of England—that it should have proof that the individual was willing to be taught the doctrine of the Church. But what proof, he would ask, existed in this subscription as it had been explained by the most reverend Prelate himself? [The Archbishop of *Canterbury*: That was the first subscription.] Very well; it was the first subscription; then why not give up that? Why not go that length, which was all that was asked on this subject? At least that was absurd, as appeared on the statement of the most reverend Prelate himself; and undoubtedly there was a great deal more to be said with respect to the subscription required in the further progress in the University. The most reverend Prelate declared, that by pursuing this course the University was preserved in the true religion of this country; and, above all, it had preserved the Universities from being the scene of polemical controversy. Now what was the fact with respect to the tranquillity of these Universities? Both of them had been over and over again disturbed by polemical discussion, but particularly Cambridge which had been agitated in the beginning of the last century. Did not the year 1710 furnish a celebrated instance? Was not that respectable individual, Mr. Wilson, who was a professor, turned out of his University on account of Arian principles? Was not that followed by the controversy between Dr. Waterford and Mr. Middleton, at Oxford. Who did not recollect the great schism which distracted the Church, and out of which sprung the great body of Wesleyan Dissenters? It appeared, then, that the repose mentioned by the most reverend Prelate as a proof of the advantages of the present system, it had not been the good fortune of the Universities to enjoy. If to abstain from religious controversy were a virtue, that virtue had unquestionably not been the boast of the Universities in former times. Why, what did Bacon say in his "*Novum Organon*" in the passage in which he spoke of ecclesiastical controversy? *Strepere argumentis sonare questionibus.* Was repose so desirable at a University? Was nothing at all taught by the emulation and excitement which controversy produced? How was inquiry to be stimulated —how was knowledge to be obtained—so well as by the collision of various and conflicting opinions, Little was his reading in divinity; but he might refer to the effect of controversy on divinity, in those times when the tests originated. If there ever were a man on whom the pure light of knowledge shown, it was Hooker, and what said he? The passage he meant to refer to was in the first book of Ecclesiastical Polity? In arguing on an occasion when several Dissenters were anxious to have a conference, Hooker said, "What need is there of appointing a conference, have you not the University?" He remembered the passage very well, it thus proceeded, "There are many solemn occasions on which all the questions between us and you are brought into dispute; many of you are members of the Universities, and if there are any who are not, and who would appear, you well know that by the courtesy of those learned bodies and learned men, you would be received with welcome, and attentively heard." That was the nature and character of the Universities of that day. They were open to inquiry; they courted investigation; and sought to defend the faith that was in them by argument. They did not seek repose—they did not seek to banish inquiry—they did not claim for themselves a protection against controversy; but, on the contrary, were ready to dispute with any adversaries who presented themselves. It was stated, and perhaps this was the strongest argument urged against the Bill, that if it were passed perhaps it might not prove effectual, because it was certain that the Universities having inherent in themselves, the power to adopt such regulations as they thought decorous might resolve upon something which would be equivalent to the exclusive regulation which was done away with by this Bill. He could not think, however, that the Universities would so conduct themselves after receiving such an admonition from Parliament as this Bill would be considered. Therefore he could not think it would be ineffectual for the purposes for which it was intended. To legislate for the Universities unnecessarily and wantonly would be bad: but it was generally admitted, that this practice should be to a certain degree dispensed with, and he felt pretty certain that they would not dispense with it of themselves. It was for the wisdom of Parliament to prescribe the course on such an occasion. The Universities were the great public seminaries for education; and their being well directed, the prudence of their conduct, and their freedom from reproach were matters of great public interest—of great interest to their Lordships and to the whole community. Surely, then, it was the duty of their Lordships to interpose their authority, and by adopting the Bill they would in his opinion strengthen the influence of the Universities, and much increase their utility.

The Duke of *Wellington* thought that the observations of the most reverend Prelate had completely put an end to the question. The Bill which the noble Earl had brought forward was entirely different from that which was introduced last Session. The speech of the noble Earl, however, and the explanation with which he introduced the measure, showed that his intention was precisely the same with the intention of the promoter of the former Bill. The noble Earl's intention—and the noble Lord at the head of the Government had clearly stated this intention to be also his—was, to give the Dissenters a right to enter the Universities. That was the intention of the noble Earl, and that was the intention of the Prime Minister. Now he had an objection to the Bill of the noble Earl for the reason stated by the most reverend Prelate. He conceived there was no cause to complain of the subscription to the Thirty-nine Articles, as practised in the University of Oxford. He would say that the explanation of the most reverend Prelate was entirely borne out by the statutes of the University, and likewise by the practice which had prevailed there. It might be desirable that there should be some other test adopted, in order to prove that the individual claiming to be matriculated was a member of the Church of England; but that which was most important at Cambridge and Oxford was, that the person to be matriculated was a member of the Church of England. That was the point; and upon that he conceived the whole question turned. The noble Earl, in his observations, alluded to something that fell from him in the course of the discussion of this question last year, viz., that he advised the most reverend Prelate not to consent to this Bill, because by such consent they would carry up to the Throne for his Majesty's assent, a measure which would tend to subvert the union between the Church and the State. That argument was neither more nor less than this—that the education of both the Universities must be education in the religion of the Church of England. That was necessary—it was the very foundation on which the Universities stood. He contended that they could not go to the King with a Bill that had for its object to establish a system of education in the Universities different in principle from the Church of England, without attacking the principle of union between the Church and State. But the noble Lord said, that the Church did not claim from individuals any subscription to the Thirty-nine Articles. True, it did not; nor would the University of Oxford claim the subscription of the Thirty-nine Articles, except as evidence that the person was a member of a family who belonged to the Established Church.

It was contended last year, and by the noble Earl this year, that individuals might be admitted into both the Universities who were not members of the Church of England, notwithstanding the subscription of the Thirty-nine Articles. He admitted this; but there was a great difference between this and allowing Dissenters by right to enter the Universities. What he contended for was, that the system of religion taught should be that of the Established Church; but if Dissenters were admitted of right, he was apprehensive that not only would not the religion of the Established Church be taught, but that no religion of any kind would be taught there. He stated this opinion on the authority of a publication, from which it appeared, that at a college established to teach ministers of dissenting persuasions it had been found impossible to adopt any creed or any system for any considerable length of time. He confessed he was surprised when he heard the noble Lord the first Minister of the Crown come down to this House and declare his preference for the existence of polemical disputes in the Universities. He should have thought the object of a Minister of the Crown would have been, by all means to protect the Universities from all such disputes, and to preserve any system of religion whatever from being attacked by differences of opinion. He confessed that it appeared to him that the Bill of the noble Earl, if it had really for its object to prevent the signature of the Articles, did not go far enough for the attainment of the object the noble Earl had in view. As was truly stated by the noble Viscount, the Universities were enabled to make regulations respecting the taking of degrees, which might interfere with a Bill like the present; the Colleges, indeed, by the will of their founders, and by their original charters, were compelled to make certain regulations on this subject, under which they acted. If this measure, therefore, passed, they would have to take other measures to insure the object they intended to attain by the signature of the Thirty-nine Articles. The noble Earl had not only compared the two Universities with foreign Universities, but also drew a parallel between the practice prevailing at the present day, and that which existed in those two learned bodies shortly after the Reformation. Now, he agreed with the most reverend Prelate in contending that no parallel could be drawn between the English and Foreign Universities. The sects in the two Universities were the children of the Reformation. These sects were most necessary, and were intended to preserve the standard of the religion of the Church of England. If they were to have no established religion in the country—if every man was to have his own religion in the Universities—if every man was at liberty to frame a system of religion for himself in these corporations, then let their Lordships take the Bill of the noble Earl with all its consequences, which must inevitably follow from it, namely, constant polemical disputes, and all the other consequences which the noble Viscount regarded as proper for the Universities. Supposing the object of the noble Earl to be just, and supposing it to be desirable to put an end to these subscriptions and to all tests, he (the Duke of Wellington) conceived that no mode of effecting that object could be deemed so objectionable in its nature as by the interference of Parliament with those bodies, instituted as they were by charter, and solemn y sanctioned by Acts of Parliament. He thought that those who contended in favour of the Universities had a right to complain when they found arrayed against them the Ministers of the Crown and the policy of the Government. They had a right to expect that the noble Viscount, and the other noble Lords on the bench opposite, would support inviolate the rights, the authority, and the privileges of the Universities, as granted and conferred by ancient charters. Instead of this, however, they found the Ministers of the Crown exercised their power, their influence and abilities in support of this measure, which had for its object the overthrow of the institutions and authority of the English Church. The noble Viscount shook his head, apparently in dissent from his opinions; but did the noble Viscount think that the University of Oxford could maintain its authority if such a Bill as this became the law of the land? On what, he would ask, was the preamble of this Bill grounded, and the charges embodied in it? Had any of those charges been proved? Notwithstanding the complaints made in the preamble that individuals had been prevented from resorting to the University of Oxford, in consequence of these tests, was it not an admitted fact that at that moment there were hundreds waiting to obtain education, and to be admitted to reside in the Halls and Colleges of that University? There were many hundreds of persons now residing in the town who were unable to get residences in the various Colleges of Oxford. He contended, therefore, that there was no ground for the complaint as stated in the preamble of the Bill, and there was no ground for Parliamentary interference by means of a Bill like the present. He entirely concurred in the statement made by the most reverend Prelate as to the consequences that would flow from this measure. Would any man tell him that he believed, after this Bill passed, that the public would not understand that the meaning of it was, to proceed against the institutions of the Church of England. It was impossible that this should not be believed. The measure itself was apparent on the face of it, although it merely stated, that the Articles of the Church should be signed at a more advanced age. Noble Lords, however, must know that the Bill was not effectual for the purpose which was contended for. It extended to other views: those who attentively considered the measure would perceive that the great object of it was, to inflict a blow on the University of Oxford and against the interests of the Church. Under these circumstances he felt that it was a measure that the House should not adopt, and he earnestly recommended their Lordships to vote for the amendment of the most reverend Prelate.

The Earl of *Radnor* was understood in reply to say, that if the Universities persisted in making the pupils subscribe the Articles, they ought, at any rate, to state the circumstances of each case: for instance, that one lad was aged twelve years, and understood them; another aged fourteen, and did not; a third, aged sixteen, and had not read them; and so on. This would not be liable to the objections the present mode was open to. The original object of having tests was to exclude the Roman Catholics from the Universities. At the time they were enforced, a number of Catholics were secretly living in the Universities, and yet were not directly connected with any of the colleges. The tests were first introduced in 1681. He would not detain the House; but he protested against the interpretation put on the Bill by the noble Duke.

Viscount *Melbourne* wished to say a few words in explanation of what had previously fallen from him. He did not intend to express any disapprobation of the Thirty-nine Articles. He thought, considering the time they were drawn, that they embraced much that was excellent and wise, but at the same time they contained much which he could not help thinking was unnecessary in the present day. For instance, in one of them it was denied that it was a doctrine of Christians to have a community of goods; in another it was asserted that the magistrates had a right to punish for civil offences; and in a third, that it was lawful to go to war. These opinions it might be necessary to insert in the Articles at the time they were framed; but it did not appear to him to be necessary to retain them. With these exceptions he thought that they were excellent, and were drawn up with great prudence, wisdom, and moderation.

The Duke of *Richmond* merely wished to say a very few words in explanation of the reasons which would induce him to vote for the second reading of the Bill. He was anxious to do so to prevent any misapprehension arising as to the motives which induced him to pursue the course he intended to follow. He denied that this Bill, if passed, could be construed into an attack on the Church establishment of the country or the Thirty-nine Articles. If he thought so he would not support it, but he felt that it was absurd to call upon the youth at the Universities to subscribe to the Articles of the Church before he could be aware of their nature. He was an advocate for the admission of Dissenters to the Universities, because he believed, that by their being sent there it was probable that many of them would be converted to what he, in his conscience, believed to be the true faith, namely, that of the Protestant Church of England. He was of opinion that there should be some tests as regarded the tutors, but none to be taken by the pupils. He thought if the Bill went into Committee that his noble Friend would find that the second clause of it required some amendment. He thought that great caution should be taken as to the tutors appointed in the Universities.

Their Lordships divided.

Contents present 28; Not-contents present 85—57. Contents proxies 29; Not-contents proxies 78—Majority 106.

## *List of the* NOT-CONTENTS.—PRESENT.

DUKES.
Cumberland
Leeds
Newcastle
Wellington
MARQUESSES.
Salisbury
Hertford
Bute
Cholmondeley
Westmeath
Camden
EARLS.
Westmorland
Shaftesbury
Abingdon
Jersey
Poulett
Morton
Selkirk
Orkney
Aylesford
De Lawarr
Hillsborough (Marquess of Downshire)
Digby
Bexley
Mansfield
Carnarvon
Caledon
Rosslyn
Romney
Wilton
Limerick
Lonsdale
Harewood
Verulam
Brownlow
Beauchamp
Glengall
De Grey
Amherst
VISCOUNTS.
Maynard
Gordon (Earl of Aberdeen)
Exmouth
Combermere
Canterbury
BARONS.
Saltoun
Colville
Hay (Earl of Kinnoul)
Boston
Camden (Earl of Brecknock)
Montagu
Kenyon
Douglas
Gage (Viscount Gage)
Saltersford (Earl of Courtown)
Northwick
Farnham
Dufferin
Redesdale
Sheffield (Earl of Sheffield)
Colchester
Ker (Marquis of Lothian)
Ormonde (Marquess of Ormonde)
Maryborough
Oriel (Vist. Ferrers)
Ravensworth
Forester
Downes
Bexley
Penshurst (Viscount Strangford)
Wharncliffe
Lyndhurst
Tenterden
Cowley
Skelmersdale
Wallace
De Lisle
Fitzgerald
Ashburton
ARCHBISHOP.
Canterbury
BISHOPS.
London
Lincoln
St. David's
Carlisle
Rochester
Llandaff
Gloucester
Exeter
Hereford
Elphin

### PROXIES.

DUKES.
Beaufort
Rutland
Manchester
Dorset
Northumberland
Buckingham
MARQUESSES.
Bath
Thomond
Exeter
EARLS.
Pembroke
Chesterfield
Doncaster (Duke of Buccleuch)
Howe
Airlie
Leven
Macclesfield
Warwick
Guildford
Hardwicke
Bathurst
Norwich (Duke of Gordon)
Talbot
Mount Edgecumbe
Malmesbury
Mount Cashel
O'Neil
Onslow
Clancarty
Powis
Manvers
Orford
Bradford
Eldon
Somers
VISCOUNTS.
Hereford
Arbuthnot
Strathallan
Melville
Sidmouth
Beresford
BARONS.
De Roos
Willoughby de Broke
Forbes
Grey
Sinclair
Monson
Walsingham
Bagot
Southampton
Grantley
Tyrone (Marquess of Waterford)
Braybrooke
Stewart of Garlies (Earl of Galloway)
Rolle
Carrington
Bayning
Wodehouse
Ellenborough
Arden
Ardrossan (Earl of Eglintoun)
Manners
Hopetown (Earl of Hopetown)
Churchill
Harris
Clanbrassil (Earl of Roden)
De Tabley
Feversham
Melros (Earl of Haddington)
Heytesbury
Clanwilliam (Earl of Clanwilliam)

ARCHBISHOPS.
York
Tuam

BISHOPS.
Durham
Winchester
Salisbury
Lichfield
Worcester
Chester

## *List of the* CONTENTS.—PRESENT.

DUKE.
Richmond
MARQUESS.
Lansdowne
EARLS.
Suffolk
Ilchester
Charlemont
Chichester
Minto
Gosford
Lichfield
Radnor
VISCOUNT.
Torrington
BARONS.
Teynham
Howland (Marquess of Tavistock)
Holland
Auckland
Lilford
Melbourne (Viscount Melbourne)
Foley
Minster (Marquess Conyngham)
Brougham and Vaux
Kenlis (Marquess of Headfort)
Clements (Earl of Leitrim)
Howden
Mostyn
Duncannon (Viscount Duncannon)
Glenelg
Strafford
BISHOPS.
Chichester
Bristol

### PROXIES.

DUKES.
Sussex
Portland
Bedford
Norfolk
MARQUESS.
Anglesey
EARLS.
Shrewsbury
Mulgrave

Spencer
Burlington
Essex
Carlisle
VISCOUNTS.
Hood
Leinster (Duke of Leinster)
Lake
BARONS.
Godolphin
Tunbridge (Duke of Argyl)
Lyttleton
Dacre
Plunket
Poltimore
Stourton
Gainsborough
Saye and Seale
Dorchester
Templemore
Mendip (Viscount Clifden)
King
Carleton (Earl of Shannon)
BISHOP.
Bath and Wells

Second reading put off for six months.

## HOUSE OF COMMONS,

*Tuesday, July* 14, 1835.

MINUTES.] Bills. Read a second time:—Landed Securities (Ireland).

Petitions presented. By Mr. LEWIS, from Maidstone, against the Municipal Corporations' Bill.—By Sir JOHN WROTTESLEY, from Offlow South, for Amending the Sale of Beer Act.—By Sir WILLIAM BRABAZON, from the Soap-boilers of Westport, for discontinuing the Drawback on Soap into Ireland; from Aghagour, for a Better System of Education in Ireland. By Admiral ADAM and Mr. WILLIAM ROCHE, from Alloa and Limerick, against any Alteration of the Timber Duties.

CRUELTY TO ANIMALS.] Mr. *Pease* moved that this Bill be re-committed. He trusted that the Bill would be suffered to pass, as it was eminently calculated to prevent the dreadful cruelties which were daily practised towards animals. He would be the last man in the world to support the measure, if it tended to abridge the amusements of the poorer classes; but he was persuaded that it would have no such effect.

Colonel *Sibthorpe* did not rise to oppose the Bill, but merely for the purpose of throwing out a few suggestions for the consideration of the hon. Member for Durham. He would be the last man in the world to throw ridicule upon any measure having humanity for its object; but the hon. Member, though he enumerated bull, and bear, and badger-baiting, and fox-hunting, had entirely forgotten the atrocious and abominable practice of skinning cats alive which had lately been carried on to a great extent. He hoped the hon. Member would include this offence in his Bill.

Sir *Matthew White Ridley* considered that the Bill gave too much and too arbitrary power to the inspectors to be appointed under it: and also to the mischievous class of informers who had already too much in their power. It appeared to him that the Acts already in existence — 3 and 4 George 3rd., were amply sufficient for all the purposes contemplated by the Bill now brought forward. It appeared to him, too, that the Bill, while it left coursing, shooting, fishing, &c., the amusements of the higher classes, untouched, infringed too much on those of the humbler classes. He hoped the hon. Member would not press the Bill this Session, if he did it would be his duty to take the sense of the House on the propriety of postponing it.

Mr. Alderman *Wood* thought the expense of the inspectors would be found much too high, particularly in the City.

Dr. *Bowring* said, that though legislation might not be found efficient in accomplishing everything that was to be wished, yet an effort ought to be made to do all that was possible.

Mr. *Wilks* said, the Bill was calculated to do very great service, consolidating, as it did, three or four different Acts on the subject.

Mr. *Brotherton* hailed the measure as a further step in civilization.

The House divided: Ayes 30; Noes 16; Majority 14.

*List of the Noes.*

Blackburne, J.
Bramston, T. W.
Buller, Sir J. Y.
Evans, G.
Elphinstone, H.
Grimston, E. H.
Hoy, B.
O'Conor, Don
Roebuck, J. A.
Sharpe, General
Sheldon, E. R.
Tancred, H. W.
Turner, W.
Warburton, H.
Wrottesley, Sir J.
TELLERS.
Ridley, Sir M. W.
Sibthorp, Colonel

The House went into Committee, several Clauses were agreed to, and the House resumed.

THE POST OFFICE.] Lord *Lowther* hoped to be indulged by the attention of the House for a few minutes on a matter personal to himself. He had seen by the publications of this morning, that yesterday, in another place, there had been what he might call a field-day of Postmasters-General. In the outset he would say that while he had acted as Commissioner of inquiry into the Post-office, although his time had been limited to about two months, he in that period had endeavoured, as well as his abilities and his occupations in the House would allow, to serve the public zealously and faithfully, and to make such suggestions on that important department as he conceived reasonable and practicable. It seems that there had existed a difference of opinion between himself and another Commissioner; and what that other Commissioner had called alacrity and despatch, appeared to him (Lord Lowther) delay, and something very nearly approaching obstruction. He had no difficulty in stating the circumstances on which he grounded his opinion, and he did not wish in any way to moderate or retract the term "obstinacy" which he had employed. When he used it, he certainly had had in his recollection the Report of the Finance Committee of 1797, in which allusion was made to the obstacles at that time thrown in the way of the Commissioners appointed to inquire into the Post-office. There was so slight a difference between "obstinacy" and "obstacle," that he was willing to take all the responsibility belonging to the employment of the larger term. His late colleague disagreed with him in the application of that term, and he was surprised (yet he was not surprised, because in public life he was surprised at nothing), that his colleague should have forgotten that he (Lord Lowther) had made something like the same complaint in a Report to the Treasury on price currents. At that period there were several questions before the Commissioners, and he was most particularly anxious to investigate the arrangement of steam boats and foreign posts. The noble Commissioner had dissented from the conclusion he had come to regarding the forwarding of price currents at a small charge; and as they were about to quit office they made a Report, as a sort of legacy to their successors, on two or three points with which their inquiries had commenced. On the subject of price currents he would take leave to refer the House to the concluding sentence of that Report. He found that the Commission appointed by the Lords of the Treasury in August last, had furnished the Postmaster-General with a statement of the recommendations of the Commission of Revenue Inquiry, and had requested him to prepare certain documents, showing in what cases those recommendations had been carried into effect, and what had prevented the remainder from being adopted. This paper had not been furnished when the Commission closed its proceedings. The Commissioners appointed in August last, called for this paper; but as it was not presented when their labours terminated, the order was renewed in February last, and it had not been furnished in the middle of April. He and his colleagues had, therefore, applied for it as soon as they were appointed by the Lords of the Treasury, in order to continue the investigation. This paper had been required, he believed, so long ago as September last; and if he complained, therefore, of dilatoriness, unwillingness, or obstinacy, the House would see that it was not without ground. Colonel Yorke had exerted himself with ability and assiduity, and had devoted a great deal of time to the subject; and if he (Lord Lowther) had wanted any recompence for the services he rendered, it would have been found in making the acquaintance of an officer of so much talent and intelligence, who was now acting as private secretary to Lord Mulgrave. No explanation had been given why the paper was not sent earlier; and it was important, as it would have facilitated the investigation by showing what had been the suggestions of the Commissioners, and how far they had been carried into effect. He would now refer to another point. He had asked for a detailed account of the steam-boat service, conceiving that the public were great losers by the system of establishment instead of contract. He had not the precise words in which this account was required; but the answer was, that it was impossible to furnish it. That did not satisfy him; and he applied to the Admiralty, sending the same request to his Friend, Mr. Dawson, who in three days returned him a most precise and complete reply. Having been once a Lord of the Admiralty, he (Lord Lowther) knew the accuracy of detail with which the whole of that department was managed; and the discipline had rather been increased than lessened while his right hon. Friend the Member for Cumberland presided over it. He had also applied to the General Steam Company, through a friend, who was a governor, and all the most accurate particulars were instantly furnished. He had therefore summoned the accountant of the Post-office, and going into the accounts with him, they had together abstracted all the items required for the last three years. Another point related to the foreign postage of the country, which he considered essential to be examined; and he had called for an account of all the letters sent from London to Calais, and from Calais to London. What was the answer he had received? That they amounted to 134,000lbs. in the course of the year. What was the answer regarding letters from Calais to London? That they amounted to five millions of draughts. Not being able to understand these returns, he had referred to other authorities, in order that the matter might be rendered intelligible, but he had obtained no satisfaction. Did this show a willingness on the part of the Post-office to furnish information. He would add, that their accounts must be excessively ill-kept if they could not state the amount of postage between England and France, and show whether this country lost or gained by the 12,000*l.* paid for interior transit duty. He could enumerate other instances in which no return at all had been made — for instance, as to the number of persons employed as packet agents. The late Postmaster-General had said, that the Commissioners examined all they could examine; but he had not given any reason why more accounts were not produced. There was another matter that seemed to be a great grievance: it was generally reported that the Postmaster of Jamaica received a very large salary, and he had called for an account of his income and allowances; the answer was 400*l.* a-year salary, and 160*l.* a-year allowances. He was dissatisfied with this return, and when he called for another, the reply was, that no other could be given. He had therefore summoned the clerk of the Post-office, and he very reluctantly admitted, that the situation was estimated at 1,600*l.* a-year. He had heard that it was much more, but it was admitted to be worth 1,600*l.* a-year, and it was supposed that the Postmaster of Jamaica derived an advantage from the sale of newspapers. As far as his recollection served, evidence to this effect was either at the Treasury or in possession of the Board of Trade. Was this like willingness to give information? It could not be said, that the Post-office did not possess the knowledge, for the son of Sir F. Freeling had been sent out, at a heavy expense, to examine into the Post-office of the West-Indies, and could hardly be ignorant of the salary and emoluments of the Postmaster of Jamaica. Then he had required a detailed account of he perquisites and salaries of the clerks; as it was known that there was a clerk in the Post-office who was or had been a contractor for lighting the mails, and others were paid for conveying electioneering intelligence to the editors of newspapers. Two or three other instances might be mentioned, but he thought he had said enough to show, that he was justified in reiterating the statement of the Commissioners in 1797, and enough to establish that there existed both unwillingness and obstinacy. In the course of his public life, he had been selected on various occasions to make inquiries into the Excise-office, the Tax-office, and into the Exchequer, and the first step towards the abolition of the last was a report made by himself and the hon. Member for Monmouth. In examining into the Excise and Tax-offices, he had formerly met with every facility, and he might add, that the difficulties in the Exchequer did not exceed those he had experienced in his investigations regarding the Post-office. He wished that the noble Lord who had appeared in evidence against him was now present; and he would ask him what paper which had been required, the Post-office had shown alacrity in producing? If the noble Lord could adduce a single instance, he was ready to bear all the obloquy of having made an unfounded attack. He might advert to several minor points; but having made this general statement, which proceeded from a sense of duty, he would refrain from going further. If he had made any rash assertion, he should be ready either to retract it, or to bear the consequences; and this he would say, that there was no man more anxious than he was for the correct despatch of public business in all departments of the State. The noble Lord concluded by moving for a Return to show which of the recommendations of the Commissioners of Revenue Inquiry in regard to the Post-office had been carried into effect.

Mr. *Vernon Smith* did not wish to enter into the question between the noble Lord and the Postmaster-General, or to join in any crimination or recrimination on either side; he rose only for the purpose of alluding to one return which the noble Lord complained had not been made. He had had the honour to belong to the Post-office Commission, and he would state that Colonel Yorke had certainly drawn out the paper referred to, and it ought to have been found among the documents which devolved into the hands of the new Commissioners on the change of Government. He coincided in the praise bestowed by the noble Lord upon the talents and assiduity of Colonel Yorke.

Mr. *Hume* considered himself, and he hoped the House would also consider itself under an obligation to the noble Lord for the statement just delivered; the active part the noble Lord had taken in public affairs, and the manner in which he had devoted his time to inquiries into the different departments, rendered his evidence of peculiar value. He was sorry that the noble Lord had not had justice done him for his exertions in the Report on the Exchequer, as he had been the first to take up the subject with a determination to go through with it; if obstacles had not been interposed, a reform of the Exchequer would have been effected at least ten years ago.

Mr. *Wallace* merely rose for the vindication of his own conduct, which had been impugned in another place. He adhered to every word he had uttered on the former night, and was prepared to prove his statement if an opportunity were afforded. In answer to the noble Duke, he would only refer to a speech he had delivered on the 6th of August last. With regard to the speeches of the various Postmasters-general, it was perfectly conclusive, from their remarks, that they were very ignorant of the office they administered. The noble Lord the late Postmaster-General, after highly lauding Sir Francis Freeling, had arrived at the strange conclusion of differing from him upon many important points, and reversing his directions. He had praised him as if he were the first person in the country, and must, therefore, have possessed a most extraordinary degree of self-complacency when the noble Lord considered himself competent to decide against the opinion of so able and experienced an officer. He (Mr. Wallace) had complained that opening letters was a common occurrence, and in two several years he had complained that a felony had been committed in opening letters in Scotland. He had moved for some papers upon the subject, namely, the informations lodged for the prosecution of the parties; he had argued that the letters had been opened at the Post-office for the purpose of prosecution, and he had moved for a return which would give the House all the necessary particulars, together with the names of the parties who were to be prosecuted. Part of the order had been complied with, but no places were given where the information was dated, and a most extraordinary fact occurred, which he had noticed last year, and which he would now briefly repeat. A very large number of informations were laid against a stationer in Glasgow, of the name of Read, and the solicitor's letter stated that the letters were put into the Post-office on the 15th of February, 1833; the letters themselves showed that they were not written at that date; and the return on the Table stated, that informations were lodged on the 18th of February, whereas he held in his hand the *subpœna* to bring the parties to justice, which was dated the 4th of February, or eleven days previous to the time when the letters were said to have been written, and fourteen days before the informations appeared to have been lodged. There was positive proof, therefore, that the letters had been opened, and that a felony had been committed. He would now content himself with repeating his anxiety to verify, in any place, the statement he made to the House on Thursday last. One of the noble Lords had said, that he had an opportunity of repairing to the Post-office yesterday, in order to ascertain how far he could refute the assertions made by himself (Mr. Wallace), and by the noble Lord. In justice to himself, and in order that a Member of one House might not be elevated above a Member of another House, in point of privilege, although he left the House only at two o'clock this morning, at eight he had written to the Postmaster-General, demanding to be allowed to visit the Post-office, that he might enjoy the same advantage as had been granted to the noble Lord. He received from the Postmaster-General a most polite refusal to put him on a footing with the noble Lord. Now, he (Mr. Wallace) contended that he had a right to have all the information which was furnished to the noble Lord. He would not trespass upon the House by arguing the question there, but he was ready to meet the five Postmasters-General in the largest hall in London—[" *Exeter Hall!*"]—ay, with all his heart, in Exeter Hall; and let the public be the umpires.

Mr. *Labouchere* regretted the manner in which this subject had been brought forward. He had had no recent communication with the noble Lord at the head of the Post-office department, but he understood that an accusation had been preferred against Lord Maryborough, for his conduct when that noble Lord was Postmaster-General. He thought, therefore, that the noble Lord now at the head of the department was justified in allowing Lord Maryborough to go through the Post-office, for the purpose of making those personal inquiries, the answers to which were necessary to his defence. But it was not because, under such circumstances, he allowed the noble Lord that privilege, that he was to allow it to any individual Member of Parliament by whom it might be required. He repeated what he had stated the other night, that he did not stand there as the defender or apologist of any abuse of what kind soever. He trusted that he and the other Commissioners who were appointed to investigate the management of the Post-office, would be found prepared to do justice to the public. In consequence of what had been stated the other evening by another hon. Member, he had thought it his duty to inquire at the Post-office, how it happened that such imperfect returns had been made with respect to the Money-order Office, and other matters; and he could now state that in a few days an amended return, comprehending complete details on the subject, would be ready to be laid before the House.

Dr. *Bowring* stated, that when he was in Paris four years ago, he had an opportunity of knowing something of the correspondence on the subject of the Post-office, which was going on between the British and French Governments; and he must say, that more unworthy documents than those which proceeded from Sir Francis Freeling he never met with. The conduct of the French Government, on the contrary, was most conciliatory and praiseworthy. They offered, if letters for France were put into the Post-office in England without any postage being paid, to take the trouble of arranging and settling with the British Government afterwards. They were willing to allow that the English Post-office packets should convey the letters both from England to France, and from France to England. These propositions were rejected; and they were rejected in a tone and manner that did the English Post-office no honour. He had then stated, that he was sure the English Government would not approve of the course pursued by the Post-office.

Motion agreed to.

Alleged Breach of Privilege.] Mr. *Charlton* observed that he had yesterday given notice that he would call the attention of the House to a paragraph in *The Morning Chronicle* newspaper, in relation to his conduct as a Member of the House of Commons, as a breach of privilege. With the permission of the House, he would now say a few words, on condition that he should not be called to order by the hon. and learned Attorney-General, to explain the reasons which induced him to withdraw his notice. It must be perfectly in the recollection of the House, that so long ago as May last, the columns of *The Morning Chronicle* were filled with the most gross and virulent abuse of his public conduct. Now he was always desirous that the fullest inquiry should be made into every part of his public conduct; but no notice having been taken of the letters which he had addressed to the editor of *The Morning Chronicle* in justification of that conduct, he had, under such circumstances, felt it to be his duty to bring the matter before the House as a breach of privilege; and had accordingly given a notice to that effect yesterday evening. Since that time, however, the editor of *The Morning Chronicle* had published a long letter from him in defence of himself from the charges which had been alleged against him. It was far from his wish or intention when he wrote that letter, that the editor of *The Morning Chronicle* should inflict upon the readers of that paper the perusal of so long an epistle. All that he asked was, a public acknowledgment that the editor had received a letter from him, which was perfectly satisfactory on the points in question. He should have been still less inclined to notice the attacks which had been made upon him by *The Morning Chronicle*, if he had not ascertained that some evil-disposed persons had sent copies of the papers in which those attacks appeared, to the town which he had the honour to represent. Having done that, the least they could do was to send copies of the paper in which his justification of himself had appeared. He must likewise take the liberty of saying, that a very important document, which he had sent with his letter to *The Morning Chronicle*, had been suppressed. He meant an allusion to the fact, he might almost call it a direct charge, that the attacks which had been made upon him in *The Morning Chronicle*, were not written by the editor of that paper, but by a private individual—the Secretary to the Municipal Commission; one whom the King, in appointing that Commission, had described as his trusty and well-beloved Joseph Parkes. He was the more induced to form that opinion, because that person had previously written to him a very civil letter, the expressions of which were couched in such terms as to give him every reason to believe that the attacks which had been made upon him in *The Morning Chronicle* were written by that hon. Gentleman, his Majesty's trusty and well-beloved Joseph Parkes. He thanked the House for the kindness with which they had listened to him; and he trusted that they would extend towards him a little morsel more of their patience, while he read a brief extract from the letter which he had written, and which appeared in *The Morning Chronicle*. After a detailed refutation of all the charges which had been alleged against him, he had thus proceeded: "I have thus gone through every charge; I have evaded none—on all I court inquiry, and feel thankful to you, rather than angry, for having given me an opportunity of vindicating myself. I have hitherto not made use of an unkind expression; and if, in conclusion, I say anything against your friends, the Ministers (in speaking on that remaining charge—namely, that I have voted against them), pray put it down to no party motive, for though I sit 'cheek by jowl with the Clives'"—and here he hoped he should stand excused with the right hon. Baronet to whom he was about to allude; for he was decidedly of opinion, if the right hon. Baronet would allow him to say so, that it was utterly impossible that anything which he (Mr. Charlton) might say of that right hon. Baronet, could raise or lower him in the estimation of that House or of the public. He had thought it necessary to make this apology to the right hon. Baronet, and he would now proceed with his extract. "I only sit there because there is no other place in which I can show my opposition to the Republican measures of the present Ministry. Be assured it is not out of any regard to Sir Robert Peel, who, in admitting the principle of the unjust measure that is called Corporate Reform, appears to me to have thrown overboard all the principles he ever professed." "I am well aware that there is nothing which I can say that can exalt his character or expose him to censure; still as a public Member of Parliament that has been raised into more notoriety by your notice, I am bold to say, that in admitting its principle he has acted in direct contradiction to all the principles of his party, and has lent a hand to that love of change, and that thirst for what is called improvement, that this year demands the sacrifice of Corporations, against whom no criminality is proved. Another year it will demand a similar sacrifice of the local Magistracy; a short time longer, of the House of Peers, and lastly, of the Crown itself. Such a proposition comes with a better grace from the Ministry who have ever advocated democratical principles. Let them, however, understand the distinction between a Whig and a Republican:—let them beware, lest the Democracy do not become too strong for them;—let them remember that there is no checking the torrent, and when once Democracy has its swing, it sweeps all before it. Friend or foe 'tis all the same." The extract was very short. "Nay, it is said, and I believe it, that there is a special interference of Providence against the original propounders of the mischief:—

"Nec lex est justior ulla
Quam necis artifices arte perire sua.'

"To give the Democracy a fair and just power consistent with security to the other estates of the realm has ever been my object, but I will, to the utmost of my power, resist its sway when it is carried to excess. As you have been good enough to conclude your article with a saying of one famous man, I cannot do better than close mine with the saying of another no less famous, which is descriptive too exactly of my own feelings. When Lycurgus was asked why he, who in other respects, appeared so zealous for the equal rights of men, did not make his Government democratical rather than oligarchical, 'Go you,' said the Legislator, 'and try a democracy in your own house!'"——"P.S. I deny that—"[*General cries of* "*Order, order, order!*"]

The *Speaker* observed, that the hon.

Member for Ludlow must be quite aware that from the time at which he announced that it was not his intention to call the attention of the House by Motion to the subject respecting which he had given notice, everything that he had said had been said only by the indulgence of the House; and therefore that hon. Gentleman must feel the propriety of abstaining from further pressing that indulgence, he not intending to conclude his observations with any Motion.

Mr. *Charlton* begged the Speaker's pardon. He (Mr. Charlton) had stated at the commencement of his speech, that he withdrew his Motion on the condition of being allowed to make a few observations without being interrupted by the Attorney-General. [*Cries of* "*Order, order, order!*" *amidst which the hon. Member sat down.*]

TREATMENT OF ABORIGINES IN BRITISH SETTLEMENTS.] Mr. *Fowell Buxton*, in bringing forward his motion, respecting the treatment of the Aboriginal inhabitants in the British Colonies, begged to state why that motion had been delayed so long. There were certain papers respecting the Commissioners appointed to determine the frontier line of the Cape of Good Hope, which it was highly important should be produced. He had moved for them in the last Session, and again in the early part of the present Session, but they had not yet been laid upon the Table. The subject was one which deeply interested a large body —he might say many millions—of persons, and was therefore entitled to the most serious consideration of the House. When he had last addressed the House upon the subject, he had adverted to the cruel oppression which had been practised on the unhappy individuals in question by depriving them of their lands and other property. He had on that occasion expressed his hope that a different kind of policy would be adopted towards them, and his conviction that humanity would be found a course not only more consonant to good feeling, but productive of more advantage than severity. He now repeated his firm opinion that kindness would be far preferable—that it would be far safer, far cheaper, and far more profitable, than coercion. He repeated, that the question was one which demanded the most serious consideration; the lives and property of not fewer than four or five millions of human beings being concerned in the proper settlement of it. In the Indian islands and the Cape of Good Hope there were at least a million; in Australia there were from two to three millions; and in New Zealand and other situations a great many; so that he was fully justified in the assertion which he had made, that the lives and property of four or five millions of human beings were implicated in the question. It was a circumstance well worthy the consideration of the House, that wherever the influence of this country extended in any part of the world, there the aboriginal population was rapidly decreasing. He had evidence to prove that fact beyond all contradiction. [*The hon. Gentleman read a number of extracts from various works, to prove that position.*] The first quotation was from a work on America, in which it was stated that a village near the city of Quebec contained the last of the Huron Indians; famine and gunpowder had done their work amongst them, and aggression and oppression had nearly completed what these had left undone. In another district, as large perhaps as the whole of Europe, the same consequences had ensued. A writer, in whom he (Mr. Buxton) could place the utmost reliance, Dr. Laing, stated that from the habits of intemperance, and from the diseases which the Aborigines of New South Wales had contracted, in consequence of their connexion with the European settlers in that country, their numbers had decreased to an amazing extent, and were still rapidly diminishing. This was especially the case in the neighbourhood of Sydney. At the Cape of Good Hope he could state, upon the authority of Mr. Barrow, that the numbers of the original inhabitants were still more rapidly on the decline; and in Van Diemen's Land, of which we only took possession in 1803, scarcely one of the original inhabitants remained. By a letter which he had recently received from that country, he was informed that all that remained of a tribe formerly 500 strong, were two or three men, as many women, and a few children. These unhappy persons declared themselves to be the last of their race, and complained that the white men had rooted them out of the soil. If the time at which he was addressing the House gave him the least reason to hope that the House was disposed to listen to details of that description, he could give a great variety of instances of the same kind; but he thought he should not appeal in vain to the House to take the Report into its serious consideration, when he said that the lives and possessions of many millions of persons had fallen under the influence which had been exerted over them, in consequence of the establishment of British Colonies in the soil of which they were previously the undisputed lords. Of the 120,000 square miles now occupied or claimed by this country at the Cape of Good Hope, only a few acres were originally purchased; and he was enabled to state, upon the authority of a gentleman who had spent some time in that country in 1832, that the native inhabitants of the place had nearly disappeared before the face of the white intruders. Thus it would appear that British influence, wherever exerted in the colonies, was uniformly injurious to those who, upon every ground of justice and right, were entitled to protection in the possession of their lands. He (Mr. Buxton) required no more than that we should act justly towards these people. Unless some milder and more benevolent policy were adopted, he was sure the time could not be far distant when these unhappy races would become wholly extinct. Was it fit that we should use our mighty power to accomplish such an end? When he brought forward the Report last, he had alluded to the Report of the military expeditions which occasionally took place at the Cape of Good Hope, and had predicted, that unless these incursions upon the territories of the natives were put an end to, some very serious consequences would ensue. Any one who had read the communications from the Cape during the last two or three months, would see how completely his predictions had been fulfilled. Letters recently received from Caffre land informed them that the patrol system (the name given to military expeditions in the Indians' country) still continued, and that the worst consequences resulted from it. One of his correspondents informed him of the cause of the late war between the Caffres and the colonists. It appeared that some horses had been stolen from the colonists, who sent an expedition into the country headed by an ensign, an extremely young officer, who went to the first Indian village and demanded the horses. The Indians replied that they knew nothing about them, but the young officer, without any further investigation, at once proceeded to take possession of their property. This was resisted and a skirmish ensued, in which the young gentleman received a wound. This was considered a great offence. Another expedition was fitted out against them; their cattle was seized, a tumult ensued, and the patrol found some difficulty in escaping. This commenced the hostilities which had since led to so much bloodshed. He did not wish to make a charge against any individual. He complained only of the system. He said it was a system wholly unworthy of this great nation. There was one other fact connected with the recent disturbances at the Cape which he wished to mention before he sat down. No persons in the midst of these disturbances were placed in a situation of greater danger, or were more completely under the power of the barbarian population, than the European Missionaries, who were scattered about the country in various quarters, yet it so happened that not one of those missionaries had been touched in person or in property, and whilst the hostilities continued, they had it in their power to render great assistance to many Europeans who were travelling in those remote districts. Such, indeed, was the influence of these worthy and pious men, that they were employed, and successfully employed, as negotiators between the colonists and the hostile barbarians. He merely mentioned that fact to show that proper behaviour on the part of Europeans produced a corresponding one on the part of the black population. Considering that this question affected the interests of many millions of people, and extended over a vast portion of the globe, he thought it was every way worthy the serious consideration of the House, and he hoped he should not be thought going too far when he moved for a Committee to inquire into the subject. The hon. Gentleman concluded by moving for the appointment of a Select Committee.

Sir *George Grey* did not rise to object to the principle of the Motion, or even to oppose it. He thought the question one deeply affecting the character of the nation, and one which, therefore, demanded the attention of the House of Commons. Still, as on the 1st of July last year the hon.

Gentleman (Mr. Buxton) would not move for the appointment of a Select Committee, but preferrred the shorter course of moving an Address to his Majesty upon the subject; the question for the hon. Gentlemen now to consider was, whether on the 14th of July, a fortnight later in the Session, he would move for the appointment of a Committee, which could have no prospect of prosecuting its inquiries with success, and which could arrive at no satisfactory conclusion before it would necessarily become extinct by the prorogation of Parliament. At the same time, entertaining a strong feeling upon the subject, he (Sir George Grey) should be content to grant the Motion now, upon condition that the Committee, when appointed, should examine only those witnesses who were about to leave the country, and that they should make no Report until the next Session of Parliament, when, upon a Motion of the hon. Member for Weymouth, the Committee might be immediately re-appointed. He, however, could not suffer it to go forth to the world that nothing but injury had resulted to the Indian tribes from their connexion with our colonies. He thought that our Colonial Government had not been of a character to reflect discredit upon the country; and, as regarded the native Indians, he believed that the greatest blessings had, in many instances, flowed from it.

Mr. *Fowell Buxton* agreed with the right hon. Baronet in thinking the present an unseasonable period for the appointment of a Committee upon the subject; but he had felt himself compelled to bring forward the Motion, because the documents for which he had twice moved had not yet been produced. He was perfectly ready to accede to the terms proposed by the right hon. Baronet, namely, that the Committee should be appointed—that it should make no Report this Session, and that it should only take evidence of persons about to quit the country.

Motion agreed to.

Committee to be named on the following day.

ARTS—ROYAL ACADEMY.] Mr. *Ewart* rose to bring forward the Motion, of which he had long given notice, for the encouragement of the Fine Arts. He would first allude to the evidence of the hon. Member for Kilmarnock (Dr. Bowring), given before the Committee last Session in support of his views on the subject. That hon. Member had stated, that France had enjoyed the benefit of institutions for the encouragement of the Fine Arts ever since the days of Louis XIV, and their good effects were manifested every day in the reverence that prevailed for the Arts in all classes, and the good taste exhibited in all branches of manufactures. The great features of those institution were the number of the schools — the gratuitous nature of their instruction, and the popular character of their exhibitions. By their means a taste for the Fine Arts was infused into the people of France, and it was in the hope of effecting a similar object for the people of England that he submitted his Motion to the House. He admitted that it might be very much doubted which was the best mode of infusing into the people of this country a reverence and taste for the Fine Arts. He believed that the best mode was the opening of all the means by which a knowledge of the Arts was to be acquired. He was of opinion, that arts, like commerce, ought to be essentially free. However, all those were questions for the consideration of the Committee. It could not be forgotten that a great benefit had been already derived from the labours of Wedgwood and Hamilton, who, by introducing superior models, had been enabled to improve several of our manufactures, which had disseminated among the population a superior taste, and gradually extended itself to the higher branches of arts. It might be a subject of consideration for the Government, whether they should not encourage the higher branches of art, by holding out certain advantages for their professors, and by exhibitions. All these were, however, questions which would come before the Committee, and he should rejoice, he must confess, if the Committee for which he intended to move, were instrumental in extending among the people of this country a taste for the Arts (which they yet much wanted), and, at the same time, raising the character of the artists in this country, which, he was sorry to say, stood in a lower degree than that of almost any other country whatever. He must express his regret that neither literary men nor artists acquired that distinction in this country which their very names bestowed on them in every other country of Europe. He felt the necessity of relieving them from what he must deem an unfounded stigma, and he did hope that the means he should recommend would have the desired effect. As the

Motion with which he should conclude had the approbation of his right hon. Friend below him, he did not feel himself justified in trespassing longer upon the House. He had given a tolerably ample scope for his Committee, and his apology for the unusual number was, his wish to have as many practical and professional Gentlemen on the Committee. The Committee, he proposed, should restrict themselves, during the present Session, to preliminary arrangements—such as the examination of witnesses about to leave the country, or the inspection of documentary evidence in the possession of the country, and if their constituents were propitious (in case the House did not survive the present Session), the Committee would resume their labours next Session. He begged leave to move, That a Select Committee be appointed to inquire into the best means of extending a knowledge of the Fine Arts, and of the Principles of Design among the people—especially among the manufacturing population of the country; and also, to inquire into the constitution of the Royal Academy, and the effects produced by it."

The *Chancellor of the Exchequer* would not throw any obstruction in the way of the Motion, and he believed the hon. Gentleman would find on the part of the artists every disposition to facilitate his views, and to afford all the information in their power. He would only say, that he did not concur in the observation, that artists were estimated at a lower rate here than in foreign countries. He knew that there were instances of some celebrated men having been neglected, as for example Flaxman, but, in general, that arose from some peculiarity, or negligence, or fault of the artist himself. Generally, however, talents, in this country, obtain a certain and a large reward.

Mr. *Wyse* had the honour of seconding the proposition of his hon. Friend the Member for Liverpool, and could not but express his wonder and regret that a question so nearly allied, not merely to the arts, but the manufactures of the country, should have been so long left untouched. It was true, as the hon. Gentleman had stated, that in the combination of the arts and manufactures, England stood the lowest perhaps in the scale of Europe. It was one of the earliest efforts of the French government to bring forward those two great objects of intellectual culture. It was a remarkable feature in the numerous schools of that country that it was recommended by a great philosopher of that country that the elements of linear design were as necessary subjects of instruction as reading and writing; and it was to the credit of Napoleon that he adopted the suggestion, which had since been carried into effect in every school in France. In the late instructions for public education issued in 1834, it was made an essential article that linear design should be taught in every school. The remarkable effect of this was, that in every canton, however remote they might be from the capital, a taste for the arts was perceptible in the pursuits and the general feeling of the inhabitants themselves. Let any one go to Boulogne, to Calais, or any portion of the South of France, and they would discover that feature in the national character. And it was observable that all these schools of art were carried on for practical purposes, and the designs were connected with the labour of silversmiths, upholsterers, sculptors, &c., including every manufacture that came under the cognizance of taste. The result was, that in France there was a general taste for the antique, a common feeling for the beautiful in the people which the population of this country aimed at in vain. None of our manufacturers could go to Italy, or France, without being made the subject of ridicule. He (Mr. Wyse) had himself witnessed it a thousand times. They had said, "Here is a nation, rich in all the means necessary for the indulgence of their taste, without sufficient education to use them." Another consequence of this want of cultivation in the people at large was the general complaint that the middle classes of this country when they go into a gallery of paintings or sculpture, despised and sometimes destroyed the works of art exhibited, merely because they were not early accustomed to a cultivation of those arts. It had been apprehended, in consequence of evidence given before the Committee on the British Museum, that such would be the result of a free admission, and restrictions were represented as necessary, which would be altogether uncalled for, if they had commenced at an early period in educating the people. He could not understand why, as they put the works of great prose and poetry authors into the hands of the people, they should not have put what was of equal importance before them; viz., the illustrations of their sentiments and feelings in the cultivation of the fine arts. There was another observation of the hon. Member for Liverpool in which he (Mr. Wyse) entirely concurred; viz., that artists in this country were not sufficiently appreciated, and he preserved that opinion notwithstanding the assertion of the right hon. the Chancellor of the Exchequer. It was true that some branches of the art of painting received from the public perhaps their fair reward; such as portrait, miniature, or even landscape painting. But it was not the love of art which prompted that encouragement; it was merely vanity in individuals or some other causes equally unconnected with a due appreciation of the arts. The House might judge of that by the encouragement given to historical painting; which every one would admit was strangely deficient as contrasted with that given in other countries. Only look at the case of Flaxman—it was a strange matter of reproach to this nation that that great man, before whose genius the Continent was, as it were, prostrated in adoration, should be almost unknown in his native land. At least he was not appreciated as he justly deserved to be. Prints copied from his admirable works were to be got much cheaper and more abundant on the Continent than in this country, which proved the truth of his observation. It was also to be observed that there was not in England sufficient facilities for preparatory study in the higher branches of art—that the English nation, unlike the French, which had numerous academical schools, was destitute of any means almost for giving its youth the first rudiments of art. At Rome, he (Mr. Wyse) had witnessed the fact, that almost all other nations, the French, and Germans, and Italians had schools there, for studying the great works of art in that capital. The English had not provided any means for the accommodation of the youth of this country who went out for the purpose. He rejoiced with other hon. Members in the House that there was at length a hope held out of a more just appreciation of this important branch of public education. He trusted, that from communications with artists, a feeling of that kind would be brought about, and that a different style of cultivation of the arts would take place. He trusted that the Committee would give them at least the documentary evidence at the end of the Session, that they might judge, in the meantime, what further measures might be adopted. For himself he could only say, that every exertion in his power should be employed to facilitate its inquiries.

Sir *Robert Inglis* said, that a great part of the speech of the hon. Member for Waterford (Mr. Wyse) consisted of a depreciation of the manufactures and taste of the people of this country. [" *No, no,*" *from Mr. Wyse.*] Why, one of the last words of that speech was the "rudeness" and "barbarism" of this country; and the hon. Member had stated that in substance several times. He said he had seen the manufactures of this country ridiculed. He wished to ask the hon. Member how it came to pass if its taste and manufacturing skill were so bad, that those productions were carried all over the world? Was anything, for instance, equal to our pottery? And when the hon. Member talked of this country not rewarding the fine arts, he (Sir Robert Inglis) asked him whether the circumstances of one great artist dying neglected in England, or of another being killed by carrying home some 7*s*. worth of copper in exchange for one of his best pieces, as in Italy—was sufficient to stamp either the one nation or the other with neglect of talent. He (Sir Robert Inglis) could point out many artists of eminence, who, in addition to the applause of Europe, received in this country those more substantial rewards which their talents deserved; and he felt assured that the inquiries of the Committee would produce many proofs that this country had not so far neglected talent as the hon. Member supposed. With regard to foreign countries, notwithstanding the profession of attachment to art in France, he (Sir Robert Inglis) believed there was at least as much real attachment to it in England. He knew with respect to the works of art at Paris that no applications were made for taking castes of those great works which were taken from the Vatican, till they were in the possession of the Allied army, and about to be removed—proving that they were valued, not as fine works of art, but as trophies of victory. Under those circumstances he trusted that the result of the Committee would be to prove that works of art had been much more encouraged in England than hon. Members had been induced to suppose.

Dr. *Bowring* thought the opinions of the hon. Baronet and the hon. Member for Waterford, were not irreconcileable. Art was in France more popular, in England more aristocratical. When his attention was first directed to the commercial interests of this country with France, he found there a people acquainted with the works of art, and with the elements of drawing. In the great cities, schools of art were established; the children of the weaver studied botany, the elements of architecture, and even physiology; and the instructions thus communicated to the mind, were brought to bear in the workshops of common life. He (Dr. Bowring) did every justice, and he was bound to do every honour to the manufacturers of this country, he did not think his hon. Friend had quite done justice to them. Their defect was this—that they were wanting in what art could do to instruct them—as to beauty of form, and beauty of coloring. The people of France had become artistical by habit; while the people of England had acquired a capacity which had grown out of their mechanical appetite (if he might use such an expression). The other day, when sitting on the Hand-Loom Weavers' Committee, he (Dr. Bowring) inquired of the Representative of a large manufacturing town in England, how many artists the manufacturers of the town were accustomed to employ for those works of which a very large number was exported? and that Gentleman told him, that there were only two ambulating artists who came into the town from time to time, once or twice a-year, who brought very miserable figures —very wretched models, for which manufacturers paid six or seven guineas each. He would just mention that in the town of Lyons, there were between 200 and 300 professional *artistes*, acquiring an honourable subsistence by turning their knowledge to the use of manufactures. How could the superiority of France in that particular be denied? France produced 120 millions of *francs* value of silk goods, of which 100 millions' worth forced their way into foreign countries. This country, in one of its most brilliant manufactures produced eighty millions' worth of cotton goods [Lord *Sandon* eighty millions sterling?] Certainly eighty millions sterling, of which only one-half were exported. The people of France lived (if he might so speak) in an atmosphere of taste; and the same result might be obtained in England if the Government here pursued the same course. The hon. Member concluded by saying, he would give his cordial support to the Motion of his hon. Friend, the Member for Liverpool.

Lord *Sandon* looked more into the improvement of manufactures than of the arts in the appointment of this Committee. Without a single encouragement being given to the arts by the establishment of a public school our artists exceeded those of other countries who were petted and fostered in national academies. He preferred the landscapes of British artists to the stiff and academic figures and designs of Rome and Milan.

Lord *Francis Egerton* expressed his general concurrence with the views entertained by the hon. Gentleman who had introduced this subject, and thought that much advantage might be derived to the manufactures of this country, by the adoption of some of the measures contemplated by that hon. Gentleman. He could not, however, estimate the merits of our professors at a lower degree than those of foreign artists, nor could he admit that there was any want of encouragement of art in this country. This observation applied generally to all branches of art, historical as well as portrait and landscape, although the size of historical pictures generally precluded them from private galleries.

Mr. *Ridley Colborne* expressed his satisfaction that this subject was to go before a Committee, although he regretted that the Motion had not been made in an earlier part of the Session. It was true that encouragement was given to the arts in this country, but it was by private individuals. It was a fact, that in England alone not a shilling was given by the Government for the encouragement of art; unless the 5,000*l.* which was given by George the 3rd to the school of painting might be regarded as a public gift.

Mr. *Potter* supported the Motion, and expressed a wish that the public might be allowed to see the specimens of the fine arts in Westminster Abbey on a Sunday.

Mr. *Borthwick* said, our artists, in the higher departments of the arts, were as much superior to those of France as Italy was superior to England in the fine arts. In confirmation of this remark it was only necessary to mention the names of Wilkie, Martin, Lawrence, and others equally distinguished. He could not think, therefore, that in painting we yielded to any country. And with regard to sculpture, if Gentlemen stepped over the way and looked at the statue of Canning by Chantrey—he meant the statue in Westminster Abbey, not in Palace-yard—they would find it such as would bear comparison with the production of any country. He cordially concurred in the appointment of the proposed Committee. He wished to rescue the character of the lower orders in this country from the charge of barbarism in disfiguring statues and works of art such as were respected in other countries. The difference in this respect arose not so much from any insensibility to the beauties of form and colour in the people of this country as from other circumstances; in Spain and Italy form and colour were rendered sacred by their association with religion, and on that ground the people respected them, but in England the case was different, and this difference accounted for the distinction in the habits and feelings of the people.

Mr. *O'Connell* said, that the most marked difference between this and foreign countries consisted in this circumstance—that in other countries the poorer classes of the people had habitual opportunities of seeing works of art, by which their taste was refined, whereas in England the opportunity of viewing such works formed only the exception to the general rule of exclusion. The nakedness of Churches in this country as contrasted with the splendid exhibition of works of high art in the churches of the continent was enough to strike the mind with sorrow, especially when it was considered that churches were the only buildings which were capable of holding large pictures; and further, that they were open to the poorest classes. The effect of contemplating works of high art in the continental churches was to raise and soften the public mind, religious enthusiasm becoming mingled with an admiration of art. Who could go into the City and view the exterior of the magnificent pile St. Paul's without admiration? It was to be lamented that the interior was a dreary solitude, with the exception of some banners. Would it not be better if fine paintings replaced those emblems of war, and an opportunity were afforded the people to admire within that splendid building some of the noblest specimens of the art?

Mr. *Hume* said, that the inferiority of our workmen to those of France in point of taste must be admitted, as in the case of the silk manufacture. He recommended the conversion of the school at Chelsea into a school of art, with a view to the improvement of our population in the arts of design, &c.

Mr. *Warburton* thought that it was necessary to exhibit to the people fine specimens of painting and sculpture, and improve their taste generally, before attempting to apply the fine arts to the improvement of our manufactures.

Motion agreed to, and Committee appointed.

DRUNKENNESS—PUBLIC WALKS AND INSTITUTIONS.] Mr. *Buckingham* said, the notice which I have given on the Order Book of the House, embraces three measures—which are so nearly allied to each other in their object though separated under different heads for the better arrangement of their details, that I shall save the time of the House, and promote the general convenience, by speaking of them as one. My present purpose is, to ask the leave of the House merely to introduce those measures, so as to admit of their being printed, if the House should so approve, and by deferring their second reading for a sufficient period to admit of ample time to give them general circulation throughout the country, and thus to obtain the expression of public opinion as to their principles and details. As, however, the Bills undoubtedly contemplate great and important changes, I owe it to the House and to the country, no less than to myself, to explain the grounds on which I ask those changes to be made, and to show that evils will result from things being suffered to remain as they are, and benefits be produced by the amendments that I propose. In doing this, I shall confine myself strictly to the subject, and trouble the House with no more than really appears to me essential to the establishment of my case.

Sir, it is no new opinion of mine, but one of nearly forty years' standing—first suggested by an early opportunity which I had in the very outset of my professional life, when a prisoner of war in Spain and Portugal, and subsequently confirmed by a long course of voyages by sea, and journies by land, in all the four quarters of the globe—that notwithstanding the superiority of the British people in arts and arms, in skill and industry, in patriotism and morality, to most of the other nations of the world, there is yet one vice by which they are especially characterized, and to which they are more addicted than the people of any other country, among whom it has been my lot to reside—I mean the habit of drinking to excess, and interweaving this habit so closely with the ordinary customs and occupations of life, as to make it as deeply rooted as it is extensive, and productive, even among the most moderate, of very serious evils to society. If this impression was strongly made upon my mind in early life, when Europe and America were the only portions of the globe that I had visited, it became greatly strengthened in more mature years, when Africa and Asia had been the scene of my observations; and on returning to England after an absence of ten years in the East, the contrast between the sobriety of the people among whom I had lived during that period, and the intemperance of those to whom I had now returned, was so forcible, that no language of mine could adequately describe it. I will mention, however, one fact alone, a fact which I have often mentioned elsewhere, but which deserves to be repeated, and leave the House to judge for itself as to the inference to be deduced from it. During a course of travels in Africa and Asia, which extended over three years of continuous journeying in time, over many thousand miles in space, and which carried me through cities and towns, the united population of which could not be less than three millions of people, I did not witness half-a-dozen cases of visible intoxication; while I had not been landed in England more than a single hour, nor passed over more than a mile in space, nor come in contact with even three hundred persons, before I saw at least thirty drunk, and this in the broad day, in the open street, including women as well as men, and some of them mothers with infants at the breast. What might have been the number drinking in houses, and therefore concealed from public view, I will not venture to imagine; but if there were not one—though the probability is, that the number concealed from sight greatly exceeded those exposed to public view—I felt that I had seen enough to make me resolve, if ever an opportunity should present itself, to bring this subject of our national degradation, in this respect, before the Legislature of the country, for their reprobation at least, and, if possible, for their cure.

Some hon. Gentlemen will perhaps conceive that I drew my impressions from too limited a space, and tell me that I ought not to attribute to the country generally, a vice which I had seen carried to such excess only in a seaport town. But I may remove their doubts as to the extensive spread of this evil, by saying that having, subsequently to that period, resided permanently for about six years in London, and having also, at intervals, passed five years in visiting personally every part of England, from Dover to the Land's End, fom the Thames to the Tweed, the Humber to the Mersey, the sea-coast and the interior, the agricultural and the manufacturing districts,—having extended my excursions from Edinburgh to Aberdeen in Scotland, and from Dublin to Londonderry in Ireland,—I have had as favourable opportunities as could be enjoyed by any man in the kingdom, for seeing with my own eyes, hearing with my own ears, and judging with my own mind, as to the actual state and condition of the British population generally; and I regret to say, but truth demands the avowal, that I found everywhere too many irresistible and incontrovertible proofs of the large mass of the labouring population being addicted to the use of intoxicating drinks, and using them to such excess, as to consume the greater portion of their substance, and to reduce many of their numbers to want and beggary, and their wives and children to nakedness and starvation. I am free to admit, that among the higher orders of society, with whom drunkenness was hardly regarded as a vice some fifty years ago, I found the habits of intoxication to have greatly declined, so that it was now considered vulgar and ungentlemanly to be seen in that state. Even among the middle classes, there has been also a sensible diminution of those habits of excessive drinking. But on the other hand, among the labouring classes I found the practice had become far more general than at any previous period, while one of the worst features of this change is this, that women, and even children, have become infected by the example of their parents, and are to be seen frequently in the dram-shop and the tavern with as little sense of shame as the rest of the multitude. Having, therefore, in addition to the impressions received in early youth, while imprisoned in a foreign land, and confirmed by subsequent voyages and travels to other portions of the globe, witnessed so much of evil clearly resulting from the habits of drinking to excess, in almost every part of England, Scotland, and Ireland, I felt myself justified in giving notice of a Motion, during the last Session of Parliament, for the appointment of a Select Committee, "to inquire into the extent, causes, and consequences of the prevailing vice of intoxication among the labouring classes of the United Kingdom, in order to ascertain whether any legislative measures could be devised to prevent the further spread of so great a national evil." The entry of this notice on the books was the cause of much mirth to some, who little knew of the sorrows and the sufferings of the unhappy victims whose misery it was my object to arrest and relieve, and a perpetual volley of sarcasm was kept up upon me from both sides of the House, from the day of this notice being entered until the day when the discussion was brought on. The object of this was, no doubt, to deter me from my purpose; but if my assailants had known my history better, they would not have been surprised at my taking up this subject: and if they had considered for a moment to what cause it was owing that I have now the honour of a seat in this House, instead of being in India, they would never have entertained so hopeless an attempt as that of seeking to make me abandon any undertaking on which I had entered from principle and conviction, either by blandishment or sarcasms, by raillery or sneers, to all of which I am happily invulnerable, so long as I retain the conviction of my views being founded in justice and truth.

The discussion at length came on; when the statement which I had the honour to make in favour of my Motion for the appointment of a Select Committee, contained so much of undeniable fact and unanswerable argument, that though the Motion was opposed by the noble Lord who then held the office of Chancellor of the Exchequer, and his example followed by those to whom his opinion was an authority, and his character a guarantee for the sincerity and honour of his own conduct, and a shield for that of others, yet on a division, the Motion was carried by a majority of sixty-four to forty-seven; the noble Lord had to walk out of the House at the head of the minority, and the Committee was appointed accordingly. That Committee, including as will be seen by a reference to the list, Gentlemen from both sides of the House, Members who had spoken and voted against, as well as those who had advocated its appointment, did me the honour to place me in their Chair, and assisted me with great zeal and assiduity in prosecuting the inquiry which the House had deputed us to make. The Committee sat from the day of its appointment, which was early in June, till nearly the close of the Session; and during that period examined about sixty witnesses. These embraced persons from various parts of England, Scotland, Ireland, and Wales, and included individuals of eminence and talent from the following ranks and professions—namely:— physicians, surgeons, county magistrates, sheriffs, metropolitan magistrates, superintendants of police, of bridewells, and lunatic asylums,—clergymen, overseers of the poor, and parish officers, —land-owners, merchants, manufacturers, and tradesmen,—officers of the navy and army, keepers of spirit shops, taverns, and eating-houses, and artizans and labourers by land and sea: and I think it may be asserted, without fear of contradiction, that the records of Parliaments do not contain, in any single volume at least, such a mass of varied, authentic, and important information respecting the habits and condition of the labouring classes of the population of this kingdom, as is exhibited in the evidence elicited before that Committee.

The period at length arrived for drawing up our Report,—and, after submitting this to the examination and revision of the Committee in the usual manner, it was presented, received, and printed by order of the House, notwithstanding an opposition to this most essential duty of every Committee to make known to the whole of the representatives of the people the results of their inquiries—without which, indeed, their labours would be incomplete. At the close of that Report, was the following suggestion, which I will venture to read, in the terms in which it was expressed:—

> As your Committee are fully aware that one of the most important elements in successful legislation is the obtaining the full sanction and support of public opinion in favour of the laws, and as this is most powerful and most enduring when based on careful investigation and accurate knowledge as the result, they venture still further to recommend the most extensive circulation, during the recess, under the direct sanction of the legislature, of an abstract of the evidence obtained by this inquiry, in a cheap and portable volume, as was done with the Poor-law Report, to which it would form the best auxiliary; the national cost of intoxication and its consequences, being tenfold greater in amount than that of the Poor-rates, and pauperism itself being indeed chiefly caused

by habits of intemperance, of which it is but one out of many melancholy and fatal results.

This suggestion not having been favourably received, I was willing to show my readiness to do myself what I had assisted in recommending others to perform; and accordingly as the Government declined to give the extensive publicity proposed, I undertook to publish, at my own risk, and cost a cheap edition of the Evidence and Report, on terms that could leave no profit, however extensive the sale, but such as would barely cover the actual expense of production. The result has been, that of the Evidence in all its voluminous details, two separate editions of several thousand copies each have been already exhausted; and of the Report — founded on that Evidence and embracing a general abstract of the whole—which was comprised within the compass of a single sheet—more than a million of copies have been circulated in this kingdom alone, besides various re-prints of it in America, from which several editions have already reached this country, with commendations that I will not repeat.

I think, then, Sir, the House will allow —that, in drawing its attention to the remedial measures which I am about to ask it to allow me to lay upon their Table, I have not omitted any of the preliminary stages of due investigation and calm inquiry, by which I can fairly establish my claim to their indulgence, if not to their confidence, in a matter of so much importance to the morals and happiness of the community at large. As those remedial measures are founded, however, on the Report, and the Report is founded on the Evidence, they cannot be considered as the exclusive emanation of my own mind. They embrace the united suggestions of the various witnesses examined, and have had the further advantage of having been most extensively circulated in every quarter of the kingdom, and corrected and revised by suggestions transmitted from thence. I do not, by saying this, desire to escape from the full responsibility under which I feel myself as the introducer of these measures. What was not originally my own in the Bills which I shall ask leave to bring in, I have made mine by adoption; and therefore, whether for good or for evil, I am prepared to stand by the measures, and shall not shrink from any censure they may incur:—while whatever merit they may possess, I shall freely share with those to whom a portion of it will justly belong. With the permission of the House, then, I will beg its attention to some passages of the Report as those most essential to be considered: and which I will read from the volume in which that Report has been made public to the world. The hon. Member accordingly quoted the Report at great length to show the evils of drunkenness.

This catalogue continued the hon. Member will appear to the House, no doubt, a fearful and alarming one; and yet I have mentioned only a portion of the evil. If hon. Members could but prevail on themselves to read the Evidence on which the Report is founded, they would find details which would fill them with sorrow for the sufferers—shame for their country—and virtuous resolution to use their best efforts to arrest the evil, and effect its cure. I wish I could count upon the patience of the House while I turned to some of these details; but I fear to trust myself to make the experiment, knowing as I do, the great reluctance of hon. Members to listen to any thing which they do not deem indispensable to the elucidation of the subject under consideration; and fearing, also, that in the multiplicity of passages which would present themselves for extract, the number would be so great as to make the choice or preference difficult and embarrassing, if not almost interminable; for every page of the Evidence deserves to be read. This, however, I will venture to say, that if any hon. Member feels a disposition to examine the Evidence at his leisure, and has not his own copy by him for the purpose, I will most cheerfully furnish him, without cost or trouble, with a volume of the Evidence, which has been printed at my own expense, and shall consider myself his debtor if he will only read it for himself, for then I shall be certain of his co-operation and support. Let me turn, then, to those parts of the Report, in which we ventured to suggest our remedies to the House, for we were not disposed to content ourselves with merely enumerating the evils, without pointing out the mode by which we thought those evils might be cured. Among those remedies there were some which we considered moral, and others legislative. The former we were content to recommend to private societies, and the agency of individual efforts; the latter we thought might be undertaken by the State. Some of our remedies contemplated restraint and punishment; others offered encouragements and rewards: some were purely financial, such as the reduction of duty on wholesome articles of consumption, especially on tea, sugar, coffee, and other unintoxicating drinks; and the duty on newspapers and books. Some were moral and religious, such as the diffusion of useful information—the extension of education and the inculcation of a sense of shame at the crime of obscuring or destroying by poisonous drink, that faculty of reason, and consciousness of responsibility, which chiefly distinguish man from the brute; and which the Almighty, when he created man in his own image, implanted in him to cultivate, to improve, and to refine; and not to corrupt, to brutalize, and to destroy. Others of the remedies suggested, appeared to us so remote, if ever practicable at all, as to be quite beyond our sphere of action, though in justice to those by whom they were suggested, they were included in our Report, but placed apart, under a separate head, and so clearly distinguished from those we had adopted and approved, as to be impossible to be mistaken for suggestions emanating from ourselves, except indeed by some few honourable Members, who never having read the Report at all, but having heard some very imperfect account of its contents from others, committed the strange mistake of declaring that the only remedy we proposed for the evil we had so strongly denounced, was to prevent, at once, all distillation and importation of spirits, though the fact is, that this was the only remedy that was put aside under a separate head, as the suggestions of witnesses in which we did not concur.

Leaving, then, all the moral and financial, as well as the speculative or doubtful, of the remedies proposed to be dealt with by their respective advocates—the first by private agency and associations for moral ends—the second by the Chancellor of the Exchequer—and the third, by controversialists and commentators on either side; and adopting only such of the remedies as came under the head of 'immediate and legislative.' I beg to draw the attention of the House to the following passages of the Report, as those on which my three Bills are actually grounded:—

> The remedies which appear to your Committee to be desirable, and practicable to be put into immediate operation, may be thus enumerated:—
>
> The separation of houses in which intoxicating drinks are sold, into four distinct classes:—1. Houses for the sale of beer only, not to be consumed on the premises; 2. Houses for the sale of beer only, to be consumed on the premises, and in which refreshments of food may also be obtained; 3. Houses for the sale of spirits only, not to be consumed on the premises; 4. Houses for the accommodation of strangers and travellers, where bed and board may be obtained, and in which spirits, wine, and beer, may all be sold.
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> The limiting the number of such houses of each class, in proportion to population in towns, and to distance and population in country districts; the licences for each to be annual, and granted by magistrates and municipal authorities, rather than by the excise; to be chargeable with larger sums annually than are now paid for them, especially for the sale of spirits; and the keepers of such houses to be subject to progressively increasing fines for disorderly conduct, and forfeiture of licence, and closing up of the houses, for repeated offences.
>
> The closing of all such houses at earlier hours in the evening than at present, and uniformly with each other, excepting only in the last class of houses, for travellers, which may be opened at any hour for persons requiring food or beds in the dwelling.
>
> The first and second class of houses, in which beer only is sold, to be closed on the Sabbath-day, except for one hour in the afternoon and one hour in the evening, to admit of families being supplied with beer at those periods; the third class of houses, where spirits only are sold, to be entirely closed during the whole of the Sabbath-day; and the fourth class, as inns or hotels, to be closed to all visitors on that day, excepting only to travellers, and the inmates of the dwelling.
>
> The making all retail spirit shops as open to public view as other shops where wholesale provisions are sold, such as those of the baker, the butcher, and the fishmonger; in order that the interior of such spirit shops may be seen from without, and be constantly exposed to public inspection in every part.
>
> The refusal of retail spirit licences to all but those who would engage to confine themselves exclusively to dealing in that article, and consequently the entire separation, in England, Scotland, and Ireland, of the retail sale of spirits, from groceries, provisions, wine, or beer; excepting only in the fourth class of houses (as inns or hotels), for travellers and inmates, or lodgers, as before described.
>
> The prohibition of the practice of paying the wages of workmen at public houses or any other place where intoxicating drinks are sold.
>
> The prohibition of the meetings of all friendly societies, sick clubs, money clubs, masonic lodges, or any other permanent associations of mutual benefit and relief, at public houses or places where intoxicating drinks are sold; as such institutions, when not formed expressly for the benefit of such public houses, and when they are *bona fide* associations of mutual help

in the time of need, can with far more economy, and much greater efficacy, rent and occupy for their periodical meetings equally appropriate rooms in other places.

The establishment, by the joint aid of the government and the local authorities, and residents on the spot, of public walks and gardens, or open spaces for athletic and healthy exercises in the open air, in the immediate vicinity of every town, of an extent and character adapted to its population, and of district and parish libraries, museums and reading-rooms, accessible at the lowest rate of charge, so as to admit of one or the other being visited in any weather, and at any time, with the rigid exclusion of all intoxicating drinks of every kind from all such places, whether in the open air or closed.

In conformity with these recommendations, I have prepared my Bills, considering them, as in reality I do, but separate parts of one measure, and directed to the same end, though for general convenience divided into three Acts, one of them only, being restrictive, and the other two attractive;—one classifying and regulating existing things, to prevent excess and remove abuse;—the others presenting new combinations of pleasure in other shapes, so that the double experiment may be tried, at the same time, of weaning the population from haunts of intemperance, disease, and crime—and attracting them to occupations of sobriety, health, and innocence—a change which all must desire to see accomplished—a change which cannot be effected without some one taking the pains to attempt it—and a change which, if produced, would do more to improve the health, morals, and happiness of the labouring population of this country, than any other, within the range of legislation to effect, that I can at all conceive or imagine. To fail, even, therefore, in such an attempt, would be no dishonour; to succeed, would, indeed, be a high and noble reward; and with the permission of the House I will briefly run over the heads of both these measures, differing, it is true, in their nature, but devoted to one and the same end, the promotion of temperance health and instruction among the labouring classes of society.

My first object, then, is to draw off, by innocent pleasurable recreation and instruction, all who can be thus weaned from habits of drinking, and in whom those habits may not be so deeply rooted as t resist all attempts at this moral method of cure. But as there will yet remain a large number in whom the vice of drinking to excess is too inveterate to yield to such a mode of treatment, I propose to introduce certain enactments for the better classification and regulation of public houses generally, and for the correction and punishment of disorderly conduct committed in them, as shall even bring the confirmed drunkard within the range of their reforming power.

The first and second of these measures, which I should venture to entitle, "Bills for the promotion of healthy recreation and public instruction among the labouring classes," are such as cannot, I apprehend, excite the slightest opposition, as they proceed upon a principle which leaves the application of their powers in the hands of those only who are to be effected by their exercise, and who may, therefore, be safely intrusted with the management and control of that for which they themselves will alone have to pay the cost. The plan and provisions of these Bills are as follows:—

I propose that in any town in which fifty rate payers may desire to have public walks, gardens, baths, and places of sport and recreation in the open air, it shall be competent for that number to sign a requisition to the Mayor or other chief civil authority of the town, requesting him to call a public meeting of the rate-payers of the town, to whom the question shall be submitted, and if approved by the majority on being put to the vote in the usual way, the rate-payers shall then proceed to elect a Committee of twenty-one persons to whom the execution of the task shall be confided. The Committee would then be empowered to call for plans, designs, and estimates from architects and surveyors, by open competition; and the plan being determined on, and the estimate fixed, they should be empowered to borrow the sum requisite for completing the work,—limiting the amount of capital, however to the ratio of ten shillings for every inhabitant of the town, according to the latest official census of the population, and limiting the assessment on the rental of the town to sixpence in the pound per annum, to provide for the payment of five per cent interest on the capital borrowed, and five per cent for the annual redemption of that amount of capital—so as to pay off the capital in twenty years. The Committee should be chosen after the manner of Councillors under the Municipal Reform Bill, and have full power to make such rules and regulations for the gardens, play-grounds, baths, &c. as might be most conducive to the public accommodation; the check upon them being publicity of proceedings and accounts, and liability to annual re-election of one-third, so as to remove or confirm the whole body every three years.

The machinery I should propose for the second Bill would be exactly the same, on the principle of self-taxation and self-control: though the object would be to provide Public Institutions for the assembling together in the winter—when open air exercises cannot be so well enjoyed—of all classes of the inhabitants who desire social intercourse without the necessity of seeking it at the public house. Such buildings should be erected at the public cost, in the same manner as the gardens, grounds, and baths; and they should contain halls for conversational meetings—rooms for benefit societies, clubs, choral societies and committees of all kinds—a spacious theatre for lectures and scientific experiments—a museum for natural history—another for specimens of manufactures—a gallery of the fine arts for sculpture and paintings—and a library for general use. The building once formed, many of the nobility and neighbouring gentry, as well as the wealthy inhabitants of the town, would, by donation and otherwise, contribute progressively to enrich it in various ways; and a very moderate amount of subscription—when the building was once free—would supply all that could be required. The difficulty of raising funds for a suitable building is the chief reason why such institutions are not more prevalent. The desire exists in many towns, but the means are not forthcoming, and the machinery of this Bill will provide them, so that in the course of a very few years, if these Bills should pass into a law, we shall see as many public walks, gardens, and pleasure grounds in the neighbourhood of all our towns, as are now to be found on the Continent of Europe; and in every place of ten thousand inhabitants, a public institution, embracing a museum, gallery, library, theatre, and places of innocent and instructive enjoyment, accessible to the humblest classes—while in twenty years from their foundation, all will be free of further cost or incumbrance to the funds of the community.

The influence which such changes would produce on the habits, morals, and happiness of the community, may be more easily conceived than described; and for myself, Sir, I think it is hardly possible to overrate the amount of public good which would flow, in a thousand ways, from such fountains of health, and knowledge, and pleasure, as these institutions would prove. For these reasons, therefore, and many more that might be adduced, if time permitted, I can anticipate no possible objection to the introduction of the two measures, which I have thus briefly described.

The third of these measures is intended to classify, regulate and restrict, within certain limits, the number of public houses, generally; to abridge their hours of sale; to close them with certain limitations on the Sabbath; and to subject, all persons found in a state of drunkenness, and the keepers of those disorderly houses in which this drunkenness is chiefly stimulated and encouraged for the sake of gain, to certain punishments proportioned to the frequency and excess of their offences. Even to this Bill I do not, in its present shape, anticipate any very strong objection, because it provides sufficiently for the protection of vested interests, and does not propose to lessen the number of public houses by the suppression of any now actually existing; but rather by suspending the issue of any new licences until the number in each town or district be reduced within a given ratio to population or distance; by which means a gradual extinction will take place of those houses only, the licences of which may fall in by forfeiture for misconduct or other causes; and the numbers thus becoming gradually less and less will make the legitimate business of the remaining houses more extensive as well as respectable, until the beer shop and gin shop shall either wholly disappear, or be merged into the only kind of Establishment necessary for the public convenience, namely, the Licensed Victuallers, at whose houses bed and board may be had by the traveller and inmate who may be absent from their homes.

I shall be prepared at the proper time, whenever the principle of this Bill or its separate details shall come under examination, to shew the grounds upon which every one of the Clauses have been drawn up. But I abstain from doing so at present, as I do not wish to anticipate objections; but will reserve my answers to them till they are actually made. I may say generally, however, that I am as zealous an advocate for the freedom of trade and freedom of action as any hon. Member in this House, and that my only limitation to either is the line beyond which the health, morality, and happiness of the community are endangered or destroyed. I would not permit any man to trade in gunpowder and fire from the same shop, without some limitations and restrictions. I would not allow a maniac to walk the streets unattended, to assault whomsoever he met. I would not sanction the poisoning of brute animals, any more than of human beings,—or the stimulating men, women, and children to crime, and reducing them to beggary and disease; and, therefore, while providing amply for the freest use of all things that persons in possession of their sober faculties could reasonably desire, and furnishing every requisite accommodation for the traveller, the resident, and the labouring man, I would desire only to place such barriers in the way of abuse as could be complained of only by those whose vitiated indulgences were by these means curtailed, and by those whose profits were enhanced in proportion to the immorality which they encouraged.

This, then, is the machinery, simple, practicable, and just, as I believe all will be ready to allow it to be, by which I hope to see a beginning made, at least, in the great work of Temperate Reform:—and when I ask the House to give me leave to introduce those Bills, and lay them on the table, so that they may be printed for general circulation, and the discussion on the second reading deferred till the details shall have been well considered, I hope they will readily accord to me the favour I solicit at their hands; the more especially, as I do not often trespass on their time or patience—that I have never yet done so on any unimportant matter—that I can have no personal or party interests to serve by success—that I have given to the subject all the attention which the most unwearied diligence would permit—that I am willing to respect existing interests and property, and desire no changes but such as carry upon the face of them their own recommendation—that there is nothing in my proposition which trenches on the respect due to constituted authorities, or which will involve either the Government or the people in any increase of expense; and that above all, should my hopes be realized, the majority of the community cannot fail to be benefited themselves. That those who regard the greatest happiness of the greatest number as a sound political maxim will give me their sanction and support I cannot for a moment doubt; and if there be others who, while they acknowledge the soundness of this maxim, think there are different modes of arriving at the same ends, I trust they will not deny to me at least the opportunity of having my bills printed, and submitted to the sense of the House after they have been examined in all their details. To all I can offer the most sincere assurance of an earnest desire to advance the happiness of our common country, and improve the condition of our fellow men; and whether I succeed or fail in this attempt so to do, I shall carry with me the consolation of having been animated by no personal motive—of having aimed at no personal end—and, shall await the issue with that calmness and content which a consciousness of rectitude can alone inspire. I now move "for leave to bring in the first Bill, namely, a Bill to facilitate the formation and establishment of public walks, gardens, and places of recreation in the open air in the neighbourhood of all towns, for the use of the population generally."

Mr. *Brotherton* said, that nothing could be more worthy the attention of the Legislature than the introduction of measures having for their object the improvement of the habits and the elevation of the character of the labouring population. Anything that tended to promote the comfort and improve the morals of the lower classes deserved the most favourable consideration on the part of that House, inasmuch as the country owed much of its prosperity to the labouring classes, and it was the duty of the Legislature, therefore, to render their condition as happy as possible. As far as Manchester was concerned he was able to bear testimony to the injury sustained by the inhabitants of that town in consequence of the want of public walks and places of innocent recreation in the open air. The labouring population of Manchester exceeded 20,000. They were confined in factories during the week, and resided for the most part in narrow and crowded streets, so that it was a great privation in their case to be without proper places for the enjoyment of healthful exercise in the open air when leisure permitted them to take it. He fully agreed with his hon. Friend the Member for Sheffield that the lower classes of this country were degraded by the habit of intoxication, which was but too prevalent amongst them. That habit invariably led, not only to poverty and wretchedness, but to crime; and it was because he thought the measures proposed by his hon. Friend would tend to rescue them from the evils resulting from an undue indulgence in the use of ardent spirits that he stood forward to second his Motion.

Mr. *Potter* expressed his cordial concurrence in the Motion of the hon. Member for Sheffield. He begged to refer the House to the following extract from a work lately published by Mr. Bailey, of Sheffield:—"The hostility which has been shown by well-intentioned but mistaken moralists against popular amusements would be pernicious, if it could have any effect. Such amusements are required for the healthy play, both of the moral and of the physical constitution of man; and the propensities which they gratify, if not allowed to take a salutary, will assuredly take a mischievous direction. Amidst the monotonous employments arising out of the extreme division of labour in civilized states, excitement and exhilaration are especially demanded and must be had: if they are not to be got in the active game, the absorbing representation, the animating burst of music, the splendid pageant, the spirit-stirring address, they will be sought and found in the tavern and the gaming-house, or the want of them will people the infirmary and the asylum."

Mr. *Wyse* supported the Motion. Their object should be to prevent the commission of crime, and as those Bills seemed to have that tendency, he should vote for having them brought in. There was hardly any country in Europe, from the most to the least civilized, in which there were so few public institutions for the diffusion of knowledge as in Great Britain. This was much to be deplored, and he thought that as such institutions tended to the good of the State, the Government should in all cases be bound to make provision for them.

Mr. *William Roche* said, he should also give his support to the Motion, because he knew that the want of public walks and literary and scientific institutions was much felt by the inhabitants of Limerick, the town which he had the honour to represent.

Motion agreed to, and leave was given to bring in the Bill.

Leave was also given to bring in a Bill to authorise the erection of Public Institutions.

Public Houses.] On the question that leave be given to bring in the third Bill, for the classification of Houses of Entertainment.

Mr. *Hume* intreated the hon. Member not to press the Bill, but to be satisfied with bringing up the other two. The regulations affecting public-houses and coffee-shops were constantly changing, greatly to the injury and loss of their proprietors. He trusted the House would not sanction eternal legislation on this subject. It was beginning at the wrong end. Let the hon. Member educate and improve the people first, and deal with public-houses afterwards. The Bill imposed a variety of new restrictions, whereas he would remove all those which now existed, and render the sale of beer and spirits as free and open as that of tea and sugar.

Dr. *Bowring* thought that the morals of the people would be more served by enabling them to have wholesome beverage, than by any other means that could be devised.

Mr. *Buckingham* said, that all he asked was to have the Bill introduced for the purpose of printing and circulation, and if this were conceded he would not press it to a second reading if the sense of the House should be against him.

Colonel *Leith Hay* considered that it was highly inconvenient to allow Bills to be brought in which were not intended to be persevered in.

Mr. *Wilks* thought that there had been too much petty legislation already on the subject of public-houses. For his part he wished the trade to be thrown open.

Mr. *Bagshaw* hoped the hon. Member for Sheffield would not persist in his Motion.

The *Chancellor of the Exchequer* said that as the hon. Member did not mean to press his measure to a second reading, it would be wholly useless to introduce it at all, especially at this advanced period of the session. He could expect to gain nothing by bringing it in, and, therefore, the wiser course would be to withdraw it for the present.

Mr. *George F. Young* said, that he must, as an independent Member of that House, protest against the course pursued on the present occasion, when it was no later than one o'clock that morning that a Bill was brought in by a Member of the Government, who, at the time, admitted that it was not his intention to proceed with it during the present Session. He, however, could not see the advantage to arise from the introduction of any of the Bills.

The *Chancellor of the Exchequer* wished to assure the hon. Member for Tynemouth and the other Members of the House, who were quite as independent as the hon. Member, that the two Bills were totally different in their nature and circumstances. The one had reference to the consolidation of the existing laws relating to turnpikes, and the other was a Bill which went to affect the rights of property.

Mr. *Buckingham:* I am bound to show every proper deference to the opinions of the House, even when I cannot adopt those opinions as my own; and therefore I shall be disposed, after the manner in which my first and second Bills have been received, not to press the third against the sense of the House, at least for the present session. But I must, at the same time, say that I cannot agree with my hon. Friend, the Member for Middlesex, in thinking that the cheaper you make spirits, and the more extensively you spread places for their sale, the more sober the population will become. On the contrary, all experience and all evidence proves that the increase of beer-shops and dram-shops, in this country at least, leads to an increase of drunkards; and considering that drunkenness is the most fruitful source of crime, disease, and poverty among the labouring population, it is as much for their benefit as for that of the community generally, that the facilities for drunkenness, and the means of indulging in that vice, should be diminished rather than increased. If the hon. Member would ask any officer of the navy or army whether he thought the granting free access to an unlimited supply of spirits or beer would improve the sobriety of his crew or regiment, the inquiry would be thought an insult to common sense; or if he were to ask the policemen or overseers of any district in town or country, whether open houses for the gratuitous or cheap supply of intoxicating drinks would make the neighbourhood more sober or tranquil, they would think the question proposed in jest. As to the hon. Member's statement, that I am beginning at the wrong end, it is somewhat difficult for me to understand which he would think the right one. I have endeavoured to begin at both ends—the one by the way he recommends, education and healthful pleasure for those who are to be operated upon by these means; the other, by restriction for those to whom neither instruction nor recreation will have the least attraction from their habits being too confirmed to yield to this mode of treatment. If I thought it possible to wean away from habits of drunkenness, all those who are now addicted to this vice, by the operation of the attractive measures, I should be too happy to confine myself to these. But being persuaded that the operation of these inducements would be confined to the younger part of the population, who are not yet so far steeped in degradation as to be incorrigible, and being convinced that an immense number of confirmed and habitual drunkards, male and female, will be wholly beyond the reach of the education proposed, I am satisfied that some restrictions and regulations for the houses of public resort are absolutely necessary; and that without these, our work of reformation will be but half accomplished. Still, as I admit the force of the argument urged by the right hon. the Chancellor of the Exchequer, that the lateness of the Session will prevent the possibility of my carrying through a Bill that is likely to be much opposed; and as I am desirous of pressing the two measures which the House has given me leave to bring in, to a completion, if possible, before the Session is over, I will, for the present, content myself with these, and defer the other till the approaching Session. In the mean time, hon. Members will have an opportunity, on returning to the country during the recess, of seeing the large amount of property destroyed, and labour lost, and crime, and disease, and misery created by the operation of excessive drinking in their several counties and towns, and come back to Parliament more fully impressed with the necessity of doing something in the way of restraint, as well as in the way of allurement, to correct this degrading and destroying vice. Let them inquire of the magistrates, coroners, medical practitioners, overseers, and others connected professionally with examinations into the state of crime, disease, and pauperism, as to the chief cause of each, and I know well what their answers will be—that excessive drinking is the most prolific source of all. Without shrinking, therefore, from any opinion I have advanced on this subject, and being satisfied that the meddling legislation, as it is called, for the regulation of public houses, is mainly occasioned by the want of some general, comprehensive, and effectual measure for this purpose, which does not now exist, and in consequence of which, there are now no less than three partial measures of most inadequate reform, already passing through the House during the present Session—namely, the Bill of the hon. Member for Lambeth, (Mr. Hawes) for facilitating the transfer of licenses, and opening all descriptions of public houses after one o'clock on Sundays; the Bill of the hon. Member for Middlesex, for permitting music and dancing in all the public houses of the Metropolis; and the Bill of the hon. Member for Durham, for the better regulation of beer houses; being convinced that one large and extensive Act, embracing every thing relating to public houses, such as the one I have ventured to propose, would be far better than ever so great a number and variety of those piecemeal productions, I shall adhere to my original intention of taking the sense of the House upon the measure in an early period of the next Session, if I should then have the honour of a seat in this House; but for the present, though for the present only, and in consequence of the solicitations made on all sides, I beg leave to withdraw the Motion for the third Bill, and content myself, during the present Session, with the two already permitted me to bring in.

Motion withdrawn.

CLAIM OF THE BARON DE BODE.] Mr. *Gisborne* said, that he would not enter into the merits of the case of Baron de Bode, which had so frequently been brought under the consideration of the House, but would confine himself to simply stating his reason for moving for the re-appointment of the Committee which sat last Session to investigate that individual's claim. The Committee stated in their Report that they could not terminate the inquiry before the close of last Session in consequence of it having been necessary for the Baron de Bode to send to the Continent to obtain fresh evidence to establish his claim; but they added that their labours were nearly brought to a close, and recommended the House to consent to the revival of the Committee at an early period of the present Session. During the recess the Baron de Bode had been employed in procuring evidence from the Continent at an expense of 3,000*l.*, and it would be merely an act of justice on the part of the House to consent to the re-appointment of the Committee, in order to enable him to lay that evidence before it. The hon. Member concluded by moving for the re-appointment of the Select Committee to examine into the facts and circumstances of the claim of the Baron de Bode upon the fund received from the French Government for indemnifying British subjects for the loss of property unduly confiscated by French authority, and to report the same with their observations thereupon to the House.

The *Chancellor of the Exchequer* felt bound to oppose the Motion; and he thought that if the House were not prepared to leave out of view the rights of all other parties interested in the claims, they would join him in opposing it. The Baron de Bode's case was not a new one. It had been before the House from time to time, since the year 1816. The Baron de Bode had had opportunities before the Commissioners, before the Lords of the Treasury, before the Privy Council, and before a Committee of the House, yet he failed in making out his case. In every instance the Baron de Bode failed to produce evidence; and now, at this late period of the Session, he came forward to ask for a re-appointment of that Committee before which he was unable to make out his case last Session. It would be an absolute act of injustice to the other parties interested, if the distribution of the fund were delayed any longer. He hoped, for these reasons, that the House would join him in opposing the Motion.

Mr. *Sergeant Wilde* said, that nothing had prevented the Baron de Bode from coming forward earlier but his inability to find any Member who had sufficient leisure to take up his case. It was not the fault of the Baron de Bode that it had not been brought forward sooner. He had looked into the case, and he considered it one of great hardship, and he would venture to say that on its merits there never had been any adjudication. It was remarkable that the case was always met on new grounds, which, when examined, had been invariably rebutted. He thought that the re-appointment of the Committee was only an act of justice.

The *Solicitor General* said, that this was only an attempt to make the House a tribunal of appeal from the common tribunals of the country. The funds in question were vested in Commissioners for adjudication and distribution among the claimants, and an appeal was given to the Privy Council, but the Act of Parliament under which the appeal was so given expressly declares that the decision of the Privy Council should be final. The claim of the Baron de Bode was, he contended, the most Quixotic that ever came before the House. The whole had been submitted to a competent tribunal, and that tribunal had adjudicated against the claim.

Mr. *O'Connell* contended that the greatest injustice had been done to the Baron de Bode in this case, and if the House refused the Committeee they would seal that injustice. If the Baron de Bode had not an honest claim, the Committee would decide against him; but if, as he believed, the Baron de Bode had an honest claim, the Committee ought to decide for him. It was true that his claim had been twice rejected, but, then, it had been rejected on contradictory grounds. He trusted that the House would revive the Committee, and give him a fair trial.

Sir *Robert Inglis* thought that the case had been decided by a competent tribunal, and that with that decision the House ought not to interfere.

Mr. *Ewart* denied that a competent tribunal had ever heard the case; and, therefore, contended that it could not be considered as finally decided. In his opinion, the character of the House and of the State would be compromised, if the present Motion were rejected.

Mr. *William Roche* declared that there never had been a case which experienced a more indulgent consideration from every tribunal before which it had been brought than the case of Baron de Bode.

The House divided—Ayes 97; Noes 179; Majority against the Motion 82.

*List of the* AYES.

Attwood, Matthew
Attwood, Thomas
Balfour, T.
Bailey, J.
Baring, F. T.
Barnard, E. G.
Bellew, Sir P.
Bellew, R. M.
Blamire, W.
Blackstone, W. S.
Blake, M. J.
Blackburne, John
Bowes, J.
Brownrigg, J. S.
Bridgeman, H.
Bruce, Lord E.
Buckingham, J. S.
Buller, C.
Butler, Colonel
Cayley, E. S.
Chichester, A.
Charlton, E. L.
Clayton, Sir W.
Crawford, W.
Dennistoun, A.
Elphinstone, Howard
Euston, Lord
Fergusson, Sir R. C.
Ferguson, Robert
Finn, W. T.
Gaskell, Daniel
Gillon, W. D.
Grattan, H.
Grote, G.
Gully, J.
Hall, B.
Hamilton, Lord C.
Hawkins, J. H.
Heathcote, R. E.
Hoy, B.
Howard, P. H.
Lewis, D.
Long, W.
Longfield, R.
Lister, E. C.
Lynch, D.
Marsland, H.
Maher, John
Marjoribanks, S.
Marshall, W.
Martin, J.
M'Cance, J.
Morrison, James
O'Connell, D.
O'Conor, Don
Pattison, J.
Parker, J.
Pease, J.
Pendarves, W.
Pigot, R.
Ponsonby, Hon. J.
Raphael, —
Ramsbottom, John
Richards, J.
Ronayne, Domk.
Rundle, John
Russell, Lord
Scholefield, Jos.
Sheil, R. L.
Sheldon, E. R.
Strutt, Ed.
Stuart, Lord D.
Stuart, Lord Jas.
Talfourd, Sergeant
Thornely, Thomas
Trench, Colonel
Trevor, Hon. A.
Trelawney, Sir W.
Tulk, C. A.
Vigors, N. A.
Wakley, Thomas
Walpole, Lord
Wallace, R.
Walker, C. A.
Warburton, H.
Wilde, Sergeant
Williams, W. A.
Williams, W.
Wilks, John
Wood, Alderman

TELLERS.
Ewart, William
Gisborne, T.

GREAT YARMOUTH ELECTION.] Mr. *Rigby Wason* rose to submit the Motion of which he had given notice, "That the Petitions from Great Yarmouth, presented 26th and 30th June, alleging, among other things, that the sum of two guineas had been lately paid to many of the voters at the house of one of the most active partisans in behalf of the sitting Members, and humbly and earnestly praying that the House will cause an inquiry to be made into the circumstances stated in the Petitions, and that they be referred to a Select Committee." In support of the Motion, the hon. Gentleman, in the first place, read the resolution of the House against bribery. He then went on to state, that the Petitions were signed by 1,370 persons, and that the allegations of bribery were set forth in the strongest and most decided terms. The appointment of the Committee would not affect the return of the sitting Members; and, unless the resolution he had read were intended to be regarded merely as a dead letter, he contended that the House could not refuse to accede to his Motion.

Mr. *Praed* said, that having distinctly understood from the hon. Member, at an earlier hour in the evening, that it was not his intention to bring forward his Motion that night—

Mr. *Rigby Wason* begged to interrupt the hon. Gentleman. He had given no such pledge.

Sir *Frederick Trench* could only say, that he had put the question to the hon. Gentleman himself, as to whether he would bring his Motion on that night, and the reply was, "Certainly not."

Mr. *Rigby Wason* declared he had not given a positive answer to the question. His reply was conditional. When the question was put to him, he certainly said he did not much expect to have the opportunity of bringing forward the Motion, because he looked upon the Baron de Bode's question as a Burking question, having, within his own experience, known the House counted out two or three times upon that question.

Sir *Frederick Trench* repeated, that the hon. Member's reply to his question was "Certainly not."

Colonel *Lowther* had, also, understood the hon. Gentleman to state positively that it was not his intention to bring forward the Motion that night.

Mr. *Praed* would only suggest to the hon. Gentleman, that if on any other occasion he should have a Motion of this description to bring forward, strongly affecting the character and reputation of individuals, it would be very desirable that he should use no expression whatever calculated to convey to the minds of any who heard him a doubt as to the course he might intend to pursue. Had he (Mr. Praed) been aware that it was the hon. Gentleman's intention to persist in bringing forward his Motion, he should have been prepared to show how the Petition in question had been got up. He could state, however, from his own knowledge, that it was signed by persons not inhabitants of Great Yarmouth—not members of the constituency of that borough; that it was signed, in fact, by a very small minority of the constituency, and principally by persons wholly unconnected with the town. He (Mr. Praed) was extremely sorry that the suggestion of his hon. Colleague for printing the names of the parties whose names were attached to the Petition had not been complied with, because it would have been the means of showing to the world who those petitioners were, and how little connexion the majority of them had with the town of Great Yarmouth. Had his hon. Friend's suggestion been acted upon, he believed that the names of several Members, distinguished on both sides of that House, would have been found amongst the signatures. As the result of the Motion, however it might be determined, was not likely to affect his (Mr. Praed's) seat, he should deal with it as one in which he had no individual concern; and looking upon it in that light, he would beg to ask the House how such a Motion could be entertained? The offences alleged in the Petition, if they had really taken place, were cognizable by the courts of law. With what consistency, then, or with what propriety, could they be brought before a Committee of that House? Was it to be established as a precedent that Committees of that House were to usurp the functions of the courts of law, or was it to be laid down as a principle that, at the suggestion of an individual Member of Parliament, the courts of justice were to be passed by, and an appeal to be made to a Select Committee of the House of Commons? What was the object proposed in appointing the Committee? The hon. Gentleman had declared that it was not to displace the sitting Members—that it was not to affect them in any respect. What, then, was its object? To prove that bribery had been committed at the last election. A fact, of course, that could in no respect affect the sitting Members. It would not cost the sitting Members their seats, but, supposing the allegations to be proved, and in disproof of them the sitting Members were to have no opportunity of appearing either by counsel or witnesses, it was to go forth to the world that they had been guilty of direct and extensive bribery. That was a circumstance which, according to the hon. Member for Ipswich, could in no way affect them. He contended that there was no precedent for such a proceeding; and he said further, that a vote, appointing a Committee under such circumstances, and for such purposes, whatever the merits, or whatever the truth of the case might be, could be dictated by nothing but the feeling of party, which, in a case of judicial investigation like the present, ought to be the last feeling upon which the House should act.

Mr. *Pryme* said, that if any doubt upon the subject had previously existed in his mind, the speech of the hon. Member for Yarmouth (Mr. Praed) would convince him that the House ought to grant the Committee; inasmuch as that the hon. Gentleman's observations involved no denial of the fact of the distribution of money.

Mr. *Praed* would never come forward to state a fact as a witness in that House, upon a point which affected himself personally. The hon. Gentleman would hardly take his silence upon the point as a proof of the guilt of others.

Mr. *Williams Wynn* contended that if the Motion were acceded to, the House would be giving greater advantages to the Petitioners than under any other circumstances they could have. They would be permitted to proceed without incurring the responsibility of petitioners in an ordinary election case. There was nothing, except the case of Stafford, which could be at all cited as a precedent, for the course they were asked to take. Committees to inquire into bribery had always, in that House, been the consequence of a special report of an election Committee. The hon. Gentleman opposite said, he did not propose to affect the seats of the present Members, but see what the result would be. It was true that this Committee could not declare the seats void, nor could the House, in consequence of the Report; but if it were shown in evidence that the hon. Members had been guilty of bribery, his opinion was, that such a gross violation of the privileges of the House would be a ground for their expulsion. Supposing the Report of the House to state, that plain cases of bribery could be brought home to the sitting Members, what was the House to do? Would not the House be bound to direct the prosecution of the Members? and, then, if they were convicted by a court of justice, would it be possible for the House, with a due regard to its own respectability, to suffer men so convicted to continue to hold their seats? It was clear, then, that the seats of hon. Gentlemen might be affected by the inquiry. He should say, let the petitioners, in the first instance, proceed in the courts of justice. It was impossible, if the bribery took place as described in the petition, that there was not somebody who could be prosecuted. Proceedings at law might be pending at that moment. It was not for the House to grant a Committee to sweep together evidence for these penal prosecutions in the courts of law.

Mr. *Aglionby* could not conceal his surprise at the ground upon which the right hon. Gentleman rested his opposition to the Motion. In his (Mr. Aglionby's) view of the subject, the only question to be considered was, whether the House had or had not the power of appointing such a Committee as that moved for. If it had the power, there could be no doubt as to the propriety of exercising it. The course pursued by the House in the cases of Liverpool and Stafford, where Select Committees were appointed to investigate allegations of bribery, afforded, in his opinion, direct and satisfactory precedents for the course now proposed to be pursued in the case of Great Yarmouth.

Mr. *Thomas Baring* would not detain the House more than two minutes. The hon. Member for Ipswich (Mr. Wason) had stated that the petition was signed by 1,370 persons. Now, in Great Yarmouth there were 1,040 freemen, of whom only 186 had signed the petition. He presumed that that cheer meant to say, that the freemen were not very likely to sign it. There were 576 ten-pound householders in the borough, and of them only 171 had signed the petition. So that, of 1660 electors, it appeared that only 357 had attached their names to the petition. A great many of the persons said, that they signed the petition without knowing what it was, and others said, that they never signed it at all, and that their names were put to the petition without their knowledge. There were other forgeries — O'Connell's name appeared twice, Robert Peel's twice, Stanley's once, and one name appeared seven times. These were names which none of the inhabitants of Yarmouth knew any thing of. If, therefore, this were taken into consideration as the Petition of Great Yarmouth, the House would act under a serious mistake.

Sir *Robert Peel* said, that he should give his vote against the appointment of a Committee upon this ground—that the effect of such an appointment would be gradually to undermine the force of that tribunal which had been founded for the express purpose of securing equality and impartiality in the decisions of that House. The hon. Member who cheered might doubt whether the tribunal had that effect; and if the hon. Member would show him that any other system could be devised, by which the character of the House could be sustained for the impartiality of its decisions on election cases, he should be glad to adopt it. He was not contending that the present tribunal was the best for that purpose. but was simply stating, that the object of it was to do away with the scandal of former times, which was practically found to result from leaving these matters to be decided under the influence of party feeling in this House. If petitions, such as that now before the House were made the subjects of special inquiry, the House would be virtually doing away with the Grenville Act, and taking from the proceedings of election Committees the sanction of an oath, which only Committees under that Act could administer. What was the fact with regard to the Committee on the Liverpool case? They had no power to compel the attendance of Members; and he believed that not three

Members regularly attended that Committee. But under the Grenville Act a regular attendance could be enforced. Supposing, however, the Committee to be appointed, what was to be its object. It was not to try the right of a Member to a particular seat, but to decide on the existence of the elective franchise of the borough; and this on the allegations contained in a petition which had been signed twice, and in one case seven times by the same person. Having once sanctioned this Committee, where would the House stop? You cannot draw the line at a petition signed by 1,300 or 1,000. The principle on which you go will just as well, as far as I can see, justify you in taking a similar course with one signed by 100, or even a smaller number. And see who are they on whose allegations you are about to take this step. They are wholly irresponsible, and have not even the risk of incurring any expense if they do not succeed in making good their allegations; and yet, on such grounds as these, you establish a precedent by which the franchise of any city or borough in the country may be put in jeopardy. This was a serious, and in practice a very embarrassing proceeding. In addition to the Grenville Act, the noble Lord opposite (Lord John Russell) had passed a Resolution which entirely met a case of this kind. For where a petition had been postponed for fourteen days after the return of the writ, the Resolution gave the parties who could allege the fact of bribery having been committed, leave to present a petition to the House within twenty-eight days after the fact alleged was said to have taken place. But in the present case the parties did not come forward within twenty-eight days. Again, as well under the Resolution of the noble Lord as under the Grenville Act, the parties incurred some responsibility; but they were now about to open a mode of investigation which dispensed with all responsibility. He would venture to say, that if this precedent should be established the two former courses would no longer be acted upon, but that parties, taking the choice of destroying the elective franchise without any risk, this would be the only course resorted to. Under these circumstances, and believing that no case existed which could be made a precedent for this Motion — believing that if they once adopted this, there would be no limit as to the numbers on whose allegations a similar charge might be brought, that it might be 1,300 or not 100; believing also that this precedent would bring back the most objectionable practice of deciding election matters rather with reference to the interests of political parties than to the intrinsic merits of the case, he must, if this case went to a division, give his vote against the Motion.

Lord *John Russell* would shortly state the grounds on which he should give a vote different from that of the right hon. Baronet. He had long been of opinion, and he had stated that opinion many years ago to the House, that the Act called the Grenville Act, while it provided a tribunal where one, less just certainly, before existed, to decide the question between private parties as to which of two Candidates ought to have the seat, yet it provided an inadequate and insufficient tribunal before which the public when aggrieved by cases of gross bribery and corruption could obtain redress. He remembered when he first mooted this question, quoting the case which was formerly brought before the House, now more than a century ago, by Sir Edward Seymour. On that occasion, gross bribery, in several boroughs, was inquired into, and the parties being proved guilty, were brought to the Bar of the House; and the thanks of the House were given, by the Speaker, to Sir Edward Seymour, who said, that he deserved the thanks of the country for the course he had pursued. The right hon. Baronet had said, that possibly defects did exist in the present system. He begged to say, that he had not been wanting in his endeavours to supply those defects. He had more than twice succeeded in carrying Bills through nearly all their stages to cure those defects. Two Bills had been taken up to the House of Lords, having that for their object: one was rejected on the ground of its being too late in the Session to pass it; and the other came back to the Commons so altered, and containing provisions so entirely new, and so inconsistent with the privileges of this House, that he was unable to obtain the assent of the House to the Amendments. Nor did he think it likely that anything he could devise would be at once acceptable to this, and be sanctioned by the other House of Parliament. Then in the present state of the law, and while they were not capable of obtaining the assent of Parliament to a sufficient remedy, ought the House of Commons, he would ask, to allow gross cases of bribery to be brought before them, and to be permitted to pass unpunished, because the general law was not sufficient to reach them? Undoubtedly a due degree of caution must be used; nor ought they to institute inquiries lightly, and upon petitions brought forward for party purposes. If it had been shown, that this was a petition of such a kind, and that it really did not come from any person entitled to relief from this House, he would admit that it would in that case be neither fair to the House itself, nor to the Representatives of Yarmouth, that they should enter into the inquiry. But the hon. Member for Yarmouth had himself made out a sufficient case in support of the present Motion; for he said that 171 ten-pound householders had signed the petition, and that more than 350 persons having a right to vote for the Members of Great Yarmouth had also signed it. Considering the circumstances, this was a very great number. He could suppose a borough which, by the influence of bribery, might be reduced to that state, that you would not find twenty persons having the right to vote who would venture to sign a petition for inquiry: and yet if there were those twenty, or even if only ten, he thought it might be right, upon their specific allegations, to enter into an inquiry. He did not wish the House to sanction the creation of precedents of this kind. But in the case of Stafford, he thought the House had acted with great propriety. Upon the precedent formed by that case, a Bill had been introduced by the right hon. Gentleman, the Member for Buckingham, and he had not heard any objection made to that Bill on that ground; therefore, if any sanction were required for the present Motion, it was to be found in the precedent established last year. By adopting this Motion, they would be supporting the general privileges and purity of this House. But if they were to set the precedent of last year aside, and establish one of an opposite kind, and determine that no case of bribery which came before them should be treated in any other manner than the mode prescribed by the Grenville Act, it would be imputed to them by the public generally, and with some justice, that while they took especial pains to secure the particular rights of Members, and of candidates for the honour of a seat in the House of Commons, they were exceedingly careless with respect to the general purity of that body upon which the representation of the House itself rested. For these reasons, he should vote for the Motion.

Mr. *Evelyn Denison* supported the Motion. The petition alleged that a certain sum of money was paid to electors at great Yarmouth, and that was a fact which he thought ought to be inquired into.

Viscount *Sandon* opposed the Motion. As to the Liverpool Committee, he knew one Member of it who said he never read one word of the defence, and heard but part of the case of the petitioners. What would the country say when such a case as this was to be forced, in opposition to all precedent and justice, by a party who happened to possess a majority? Was a question of this sort to be made a point for party, for majorities or minorities? If so, then no constituency was safe. If the Committee were granted, the parties, whether they were successful or not, would be allowed all their expenses out of the public funds. Was the Chancellor of the Exchequer such an economist as to grant the public money for this purpose? The tribunal was an unfair one. When the noble Lord brought forward his resolution he should have directed the Committee to be a sworn Committee, and the parties to enter into recognizances to maintain their own case at their peril.

Mr. *O'Connell* said, the Liverpool Committee had for its object to check corruption, and it did check it, as by the admission of the noble Lord on another occasion there had been no bribery since. If the electors of Yarmouth were so pure and so calumniated why was there not a counter petition? Why no denial of the present petition? — and there was time enough for it. He admired the delicacy of the Member for Yarmouth in saying, that he would not say a word about bribery—that he knew nothing about it. If the House refused a Committee, they would be protecting bribery. Bribery was a horrible thing, but it was more horrible that it should go forth to the public that the House refused inquiry. The fact of bribery at Yarmouth was not denied—171 persons allege of their own knowledge that it was committed; that it was a practice up to the last election. It was said, the proposed Committee was an infringement on the Grenville Act. But the Grenville Act was bad, as it was notorious that Members were canvassed to attend the ballot, and that the canvassing went on on both sides openly. Any Committee was bad where there was a chance of an overwhelming majority being given to one party. In the present Committee, care would be taken that no party had such a preponderance. It was clear that his name or that of the right hon. Baronet was inserted in the petition by no friend to it. It was easy to insert names clandestinely in such a petition.

Sir *Thomas Fremantle* denied, that this case could be compared to the case of Stafford. When the parties in that case refused to proceed it was not consistent with the dignity of the House to allow the matter to stop. The hon. Baronet then adverted to the Hertford case of last year, and asked the noble Lord (Russell) why it was that after gross bribery had been proved in that case he had not brought the matter before the House upon the noble Lord's own resolution of which he (Sir Thomas Fremantle) altogether approved.

Viscount *Howick* observed, that if it happened that parties prosecuting an election petition on the ground of bribery, afterwards made a compromise, there was no method whatever under the existing state of the law by which the honour and dignity of the House could be vindicated, or those who had violated its privileges be punished. It was absolutely necessary, therefore, to institute an inquiry by the House itself. Was it a sufficient reason not to have an inquiry that there was no party sufficiently interested to incur all the vexation and expense of prosecuting a private election petition! If the House refused inquiry upon no other ground than this, the public would have a fair right to believe that they were not anxious to put a stop to bribery and corruption. With these feelings he gave his most hearty acquiescence to the Motion. The House divided, when there appeared,

For the Motion, 186; Against it, 132; Majority in favour of it, 54.

## *List of the* AYES.

Adam, Admiral
Alston, R:
Aglionby, H. A.
Astley, Sir J.
Attwood, T.
Bagshaw, J.
Bannerman, D.
Blackburne, J.
Bowes, J.
Barron, H. W.
Berkeley, C.
Berkeley, F.
Baines, E.
Bowring, Dr.
Bellew, R. M.
Bellew, Sir P.
Barnard, E. G.
Brotherton, J.
Bodkin, J. J.
Butler, Colonel
Blake, M. J.
Baldwin, Dr.
Biddulph, R.
Brocklehurst, J.
Brodie, W. B.
Buckingham, J. S.
Bewes, T.
Bridgman, H.
Blamire, W.
Buller, C.
Blackstone, W. S:
Browne, D.
Byng, H. G.
Brady, D. C:
Byng, G.
Codrington, Sir E.
Chalmers, P.
Chichester, J. P. B:
Cavendish,—
Chapman, M. L.
Clive, E. B.
Cave, O.
Clay, W.
Collier, J.
Cayley, E. S.
Carter, J. B.
Clayton, Sir W. R.
Crawford, S.
Denison,—
Dunlop, C.
Dunlop, J.
Dundas, Hon. T.
Denistoun, A.
Dykes, F. L.
Davenport, J.
Ebrington, Lord
Euston, Lord
Ewart, W.
Evans, G.
Egerton, Sir P. D. M.
Elphinstone, H.
Finn, W. F.
Ferguson, R.
Fitzsimon, N.
Fergus, John
Ferguson, Sir Ronald
Folkes, Sir W.
Forster, C. S.
Fitzroy, Lord C.
Gordon, R.
Grattan, H.
Grote, G.
Gaskell, D.
Gillon, W. D.
Gully, J.
Heneage, E.
Harland, W. C.
Hutt, W.
Howick, Lord
Hay, Colonel
Howard, E.
Hodges, T.
Hume, J.
Howard, Captain
Hindley, C.
Heathcoat, J.
Hawkins, J. H.
Hall, B.
Ingham, R.
Jervis, J.
Kerry, Lord
Leader, J. T.
Lennard, T. B.
Lennox, Lord G.
Lemon, Sir C.
Lefevre, S.
Loch, J.
Lister, C. N.
Long, W.
Murray, J. A.
Maule, Hon. F.
Majoribanks, S.
Milton, Lord
Mackenzie, J. A. S.
Morrison, J.
Marsland, H.
M'Cance, J.
Maher, J.
M'Taggart, J.
Marshall, W.
Nagle, Sir R.
O'Connor, Don
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Loghlen, M.
O'Ferrall, R. M.
Oliphant, L.
Oswald, J.
Palmerston, Lord
Parker, J.
Parrott, J.
Pinney, W.
Plumptre, J. P.
Ponsonby, J.
Ponsonby, W.
Potter, R.
Philips, M.
Pryme, E.
Pelham, Hon. A.
Pendarves, E. W.
Pattison, J.
Pease, J.
Power, W.
Russell, Lord
Russell, Lord C. J.
Russell, Lord J.
Rice, Rt. Hon. T. S.
Rolfe, Sir R.
Roche, W.
Ronayne, D.
Raphael,—
Rundle, J.
Ruthven, E. S.
Ruthven, E.
Ramsbottom, J.
Spiers, A.
Spiers, A., jun.
Sheil, R. L.
Smith, V.
Sandford, A.
Strutt, E.
Stanley, E. J.
Stuart, R.
Stuart, Lord J.
Sheldon, E. R. C.
Smith, B.
Stewart, P.
Scholefield, J.
Scott, Sir E.
Tracy, H.
Troubridge, Sir T.
Tancred, H. W.
Thornley, T.
Tooke, W.
Tulk, C. A.

Thompson, Colonel
Trelawney, Sir W.
Talfourd, T. N.
Vigors, N. C.
Villiers, C.
Wallace, R.
Wilks, J.
Williams, W.
Wigney, I. N.
Wakley, T.
Wood, C.
Wason, R.
Warburton, H.
Williams, W. A.
Westenra, Hn. H. R.
Walker, C. A.
Wilde, Sergeant
Wyse, T.
Wilson, H.
Wood, Ald.
Young, G. F.

On our re-admission to the gallery, we found

Sir *Robert Peel* addressing the House. He was understood to suggest to the noble Lord (Lord John Russell) that the appointment of the Committee should be postponed until to-morrow.

Mr. *Wason* thought it perfectly fair that six Members should be appointed on the Committee from that (the ministerial) side of the House and five from the other side —the five being selected from the counties of York and Norfolk.

Sir *Henry Hardinge* said, that if the Committee so constituted were to proceed on its inquiries, it would not be long before there were petitions from other counties and places, calling in question the returns of hon. Members on the opposite side of the House. He was convinced, from the specimen which they had that night, not of judicial conduct, but of party feeling, that the Committee could not dispose of these two cases, without hearing others of a similar description. He respected much the character of the hon. and learned Gentleman the Solicitor General; but he could not help expressing it as his opinion, that there was the same facility of accusation by means of petition with as numerous signatures, against the constituents of the hon. and learned Member, as against those of the hon. Members for Yarmouth and York. He would not now name other places; but he knew many other hon. Members who, before the Committee closed its proceedings, would be brought under the operation of the same system. Therefore, he did consider, that the mode in which it was proposed to strike the Committee in the Yarmouth and York cases, was not at all satisfactory. He thought it would be much better to have the appointment postponed for twenty-four hours.

Mr. *Hume:* I do hope that hon. Members will not be deterred from doing their duty by the threats which have been dealt out by the hon. and gallant Gentleman; if such proceedings as those to which the hon. and gallant Gentleman has alluded, do actually occur, the best course is to bring them immediately under the consideration of the House, and at once to put an end to those disgraceful practices where-ever they are found to exist.

The *Chancellor of the Exchequer:* I do not think that the hon. and gallant Gentleman has dealt quite fairly with the House, or with those Gentlemen to whose individual cases he has alluded as being similar to those of the hon. Members for York and Yarmouth. I do think that he has not acted in a spirit of justice to my hon. and learned Friend, the Member for Penryn; for he should have recollected that a petition was lodged against that hon. and gallant Gentleman containing allegations of bribery and corruption, and those allegations, the parties who brought them forward, have been completely unable to prove; and yet, contrary to this decision, the right hon. and gallant Gentleman now comes forward and designates my hon. and learned Friend, the Member for Penryn, as an individual Member whose conduct is open to animadversion. Now all I can say is, let that case, or any other case involving bribery or corruption, be brought forward, whether on a small scale or on a large scale, and I, for one, shall never be found in a minority against its being referred to the decision of a Committee; but after the decision to which I have alluded, the right hon. and gallant Officer has certainly done wrong by referring to the case of Penryn and casting a censure on my hon. and learned Friend.

Sir *Henry Hardinge,* in explanation, said that he had purposely avoided making any charge against the hon. and learned Gentleman; all he had stated was, that the constituency of Penryn would in all probability, be placed very speedily on their trial, as well as of several other cases which he did not think it necessary to mention, if these precedents were established. The Penryn Election Committee had only tried the question of agency, and on that point the sitting member had a full right to claim the benefit of their decision, but the inevitable consequence of the unprecedented proceedings of that evening would be, for questions being entertained with respect to the independence of the constituencies all over the country.

The *Solicitor-General* said, that as a charge had been made, not against himself, but against his constituents, he hoped that the House would allow him to speak of what came within his own knowledge. It was true that the case had gone off against himself, because no evidence had been produced by his opponents which could connect him with anything which bore even the appearance of bribery, but he was prepared to say this—that so far as he knew anything of the proceedings of his election, except from the mere gossip of the witnesses who were examined before the Penryn Election Committee, he had no reason to suspect that anything irregular had been practised by any member of his Committee. It might be that an occasional half-crown had been given away by some of his friends without his knowledge. He admitted that there would have been some grounds for those cheers, had he himself given away to any of the electors an occasional half-crown—but he had done no such thing. If he had given away an occasional half-crown, it would have been a good reason for unseating him; but if supporters of his had done so without his concurrence,—and he did not mean to admit that they had,—though he might ask where was the Member whose supporters had not done something of the kind; that was no reason for bringing any charge against him, nor yet for impugning the general purity of his constituents.

Mr. *Wilks* begged leave, as a Chairman of the Penryn Election Committee, to state, that by that Committee a full opportunity had been given to the petitioners to bring forward any specific charge of bribery, either against the sitting Member or any of his supporters. The Committee had left an opportunity open to the petitioners of bringing forward evidence, which they had not brought forward; the Committee had given them an opportunity of bringing forward proof of general bribery; but of that opportunity the petitioners had not availed themselves. The Committee had, therefore, no opportunity of entering into that question.

Mr. *Wason* said, that he was at the disposal of the House. [*Cries of " Name the Committee," from Mr. Hume and several hon. Members near him.*] In deference to the opinion of the right hon. Baronet opposite, he was ready ——

Sir *Robert Peel.* I have no interest in this question. I only suggested that it would be best for the character of the House to adjourn the appointment of the Committee for twenty-four hours.

Lord *Sandon* rose amid cries of " Spoke," and said, that the hon. Member for Ipswich had proposed to form his Committee of five Members connected with the Counties of York and Norfolk, and of six Members taken from the Ministerial side of the House, [*Cries of " Spoke, spoke."*] When hon. Gentlemen so far forgot what had passed as to assert that he had already spoken on this question, he begged leave to remind them, and to assert most solemnly, that he had not. He was sorry to say, that he had observed of late a practice growing up in that House, of Gentlemen meeting any argument that they could not refute, or any assertion that they felt to be disagreeable, by loud cries of " Spoke, spoke." Such a practice was most pernicious in its results, and was one which he should always resist, and in which he should expect to be always supported by a majority of the House. He was desirous of confining his observations to what the hon. Member for Ipswich had said about the nomination of this Committee. In former cases of this kind the object had always been to select a Committee impartially, and not to choose the Members from any particular county or counties. Why had the hon. Member departed from the ordinary practice?

Lord *John Russell* said, that it certainly appeared to him desirable that the appointment of this Committee should be deferred for four-and-twenty hours.

Postponed appointment of the Committee.

CORRUPTION OF THE FREEMEN OF THE CITY OF YORK.] Mr. *Aglionby* hoped that, at that late hour of the night, (it was a quarter to two o'clock) he should be spared the necessity of stating the circumstances which induced him to move that the petitions of the inhabitants of York, complaining of bribery and treating at the last elections for Members of that city, be referred to a select Committee. As the petitions had been printed, he should take it for granted that every Member was acquainted with their contents. The principle on which it was proposed to refer such petitions to the consideration of a select Committee was so well known, that he would not venture to say a word upon it. With regard to the first petition, which was presented from the inhabitants of the City of York, he would only observe that he considered, that in presenting it he was performing a duty unpleasant in itself, but still necessary, as it had been put into his hands. He was sure that the House would excuse him from going into the details of the petitions, as there was nothing in either of them which could take them out of the rule just laid down in the Yarmouth case. He was sure that his hon. Friend, the Member for York, would offer no objection to this motion, for the petitions contained no allegations against him, though they did contain allegations that the most gross and corrupt practices had taken place among his constituents. He (Mr. Aglionby) was most desirous that the circumstances of every election since 1831 for the City of York should be fully examined into by the Committee. The hon. Member for Buckingham had told the House, that in such an investigation he would not rely upon testimony merely oral. Now, if the House would allow these petitions to go to a Committee, he would undertake to say, that the hon. Member for Buckingham should have something beyond mere oral testimony. He was given to understand that sovereigns had been enclosed in papers to more than 800 persons in the City of York, and these papers would be presented to the Committee in great numbers. He had made inquiry into the subject matter of these petitions, and he believed that the allegations which they contained would be fully substantiated. If he had not entertained such a belief, he for one would not have required that this question should be investigated. He should, therefore, beg leave to move that the two petitions from the inhabitants of York presented, one on the 30th of June, and the other on the 13th of July, complaining of bribery at the two last elections for that City, and that the allegations contained in those two petitions respecting the contested elections for that City, be referred to a select Committee. He hoped that that Committee would be impartially selected, and that no party feeling would be visible in its appointment. He likewise hoped, that every Member appointed a Member of it would attend its sittings, as in the Ipswich case, every day, whilst the investigation was going on.

Mr. *Lowther* called the attention of the House to this fact, that the first of the petitions presented against his constituents was signed by not more than forty-five, and the second by not more than sixty-three, persons. There was, therefore, a great difference between this case and that of Yarmouth, where the petition had been numerously signed. The House would also be surprised to hear, that many of the individuals who had signed these petitions had since shrunk from avowing their signatures. He stated this upon the authority of one of the leading Whig journals of York.

Sir *Henry Hardinge* said, that as not more than one individual in forty of the electors of York had signed these petitions, he was anxious to learn what number of signatures would be hereafter deemed sufficient to induce the House to follow the example which it had now set, of referring petitions containing general allegations of bribery exercised among the constituency to the consideration of a select Committee. Out of a constituency of 400 persons, such for instance as existed at Tavistock, if ten persons were to send a petition to the House complaining of the general corruption of the electors, would the noble Lord opposite deem that number sufficient to induce him to grant a Committee to inquire into the allegations of their misconduct? As to the case of York, the proportion was one to forty; was it intended that elsewhere the same proportion should be the criterion of the numbers necessary to obtain an inquiry into allegations of corruption? If that were to be the criterion, perhaps hon. Members on the other side of the House would soon find a greater number of petitions presented against the disinterested purity of their constituents than they might find agreeable.

Mr. *Rundle*. Perhaps the hon. and gallant Member had better take his criterion from Launceston than from Tavistock, especially as a petition was presented in the last session of Parliament from the former borough against his return, on the ground of the corrupt charges which he had appeared to patronize.

Lord *John Russell*, in reply to the speech of the right hon. and gallant Officer on the other side of the House, observed, that it was difficult to lay down any precise rule in such a case as that which had been proposed to his consideration. Still, in cases like the present, where a petition was presented, alleging as a fact that sums of money had been sent in letters to the voters as a consideration for their votes, he thought that the House was bound to institute an inquiry. But, in cases where a small number of electors did nothing more than make general allegations of bribery against their brother electors, he thought that doubts might fairly be entertained whether the House was bound to interfere at all.

Sir *Henry Hardinge* contended, that when a new precedent like the present was established, it was fitting that the House should know the basis on which it was established. He confessed that he was at a loss to imagine what it was that the hon. Member for Tavistock had alluded to. He had formerly represented in Parliament the City of Durham, which contained a numerous constituency of 1,500 Freemen. He could solemnly declare, that as the Representative of that Town, he had never been guilty, directly or indirectly, of an act of bribery; and he would further say, upon his honour as an Officer and a Gentleman, that he had never been guilty of any corrupt practice at Launceston. It was in the power of any set of persons, if the principle now contended for were established, to bring the most unfounded charges against any constituency. If five signatures were as good as ten, or as good as fifty, to such petitions, you would soon be able to shake from its privileges every constituency in the British Empire.

Mr. *Cayley* admitted that the petition which he had presented from the inhabitants of York was not numerously signed; it was, however, signed most respectably, for it had the signatures of five or six aldermen, of the town-clerk, of three or four clergymen, of two or three bankers, and of several most respectable merchants and tradesmen. They were parties who held themselves aloof from the violent partisans on both sides of the question, and being such persons, the prayer of their petition ought, in his opinion, to be attended to immediately.

Sir *Henry Hardinge* again repeated, that as the rule was now established, it was desirable that the House should know what number of signatures it was necessary to attach to a petition to obtain a Committee of this kind.

Mr. *Lowther* said, that it was not his intention to cast any imputation upon the petitioners. He admitted that, in their individual capacity, they were all highly respectable persons. He did not know whether all of them stood aloof from party contests; but this he did know, that all, or at any rate the great majority of those who signed the petitions, had voted in the late elections against himself. He agreed with his noble Friend, the Member for Liverpool, that hon. Members were too much in the habit of crying out, "Spoke, spoke," when they heard arguments advanced which told too strongly against themselves. The charges contained in these petitions did not at all affect him, but they affected his constituents, the Freemen of York, who were as respectable and independent a body of electors as any that they could find in the kingdom. So far was it from being correct, that he had authorized his agents to adopt corrupt practices to secure his election, that he had absolutely given them directions to discountenance such practices to the utmost.

Mr. *Rundle* would say, that his constituents at Tavistock courted the strictest investigation into the manner in which the election of Members was conducted in their borough. He was surprised that the hon. and gallant Officer should have alluded to the Borough of Tavistock, when he had a case at hand much more apposite—he meant the Borough of Launceston, of which the inhabitants had last year presented a petition against the right hon. and gallant Officer's return.

Sir *Henry Hardinge* said, that his only reason for alluding to Tavistock, was because he then saw the noble Member for Stroud standing right opposite to him. He was sure that the noble Lord would agree with him, that under the Reform Bill, Tavistock had been a place of particular favour. He was convinced that the last election at Launceston had been conducted with as much purity as any election in the country, and he repudiated all insinuations to the contrary.

Lord *Ebrington* said, that if the right hon. and gallant Officer had felt himself justified in casting imputations upon the electors of Tavistock, merely because he sat opposite to his noble Friend the Member for Stroud, surely the hon. Member for Tavistock had a right to feel himself justified to glance at the constituents of the right hon. and gallant Officer, especially as he sat opposite to the right hon. and gallant Officer, and knew that a petition had been presented from Launceston against his return. In giving his vote in favour of referring these two petitions to a select Committee, he must observe that he did not give it so much in the hope of amending the representation of these two places, York and Yarmouth, as in the hope that it would produce the effect with which the right hon. and gallant Officer had threatened his side of the House—namely, that in all cases in which bribery had been committed, and in which the parties who could have proved it, were deterred by the expence of disputing the return from coming to prove it before the House, they would now come forward to prove the bribery before a Committee of the description which the House was then on the point of appointing.

The motion agreed to.

## HOUSE OF LORDS,
### *Wednesday, July* 15, 1835.

MINUTES.] Bill. Read a second time:—On the Motion of Lord BROUGHAM, Prisoners' Defence.

## HOUSE OF LORDS,
### *Thursday, July* 16, 1835.

MINUTES.] Bills. Read a second time:—On the Motion of the Duke of RICHMOND, Loan Societies.

Petitions presented. By the Duke of RICHMOND, from Arles, for Poor-laws to Ireland.—By the Marquess of BUTE, from five Places, for further Accommodation in Scotch Churches.

DENS' THEOLOGY.] The Bishop of *Exeter* presented a Petition from the reverend James Page, praying for protection to the Established Church in Ireland, which was now in difficulty and in danger, and praying, also, that their Lordships would secure liberty of conscience for his Majesty's Protestant subjects in Ireland. In presenting this petition, he wished to take the opportunity it afforded him of asking the noble Viscount, whether he had received a letter which had been published in the papers, and which was signed "George Murray," and which purported to come from a gentleman who was now one of the Commissioners of Public Education in Ireland?

Viscount *Melbourne* said, that he had received such a letter, having for its object to call his attention to some statements which had been made respecting the writer's opinions.

The Bishop of *Exeter* thanked the noble Viscount for the frank manner in which he had answered his question as to the letter of Dr. Murray, so far as he was concerned. It would now be his (the Bishop of Exeter's) duty to make some remarks upon it. Considering that letter as proceeding from a person holding a very high office under the Crown—for of all the offices under the Crown there were few requiring more trust and confidence than that which a Commissioner of National Education in Ireland demanded—considering, he said, the letter in that light, the course he could have wished to adopt would be to move that a copy of the letter should be laid on the table of their Lordships' House. But there was something in the letter itself which prevented him from adopting such a course; there was something in it which related to what had taken place in that House, and would, therefore, be liable to be considered as a breach of the privileges of that House. For that reason he resolved to adopt another course, and to give the noble Viscount notice, as he had done, that he should this day ask, whether such a letter had been received by him. In making some observations upon that letter, he was sensible that he should have to defend himself from a most grave charge—that of having committed an injury upon a most important public functionary, by stating that that public functionary entertained opinions which were incompatible with the faithful and efficient discharge of the duties of his office. Recollecting this, and recollecting the garb he wore, and that the attack thus made was directed against an individual who, though not a bishop of the Established Church, was as much a bishop as he himself was; he could assure their Lordships that he approached the consideration of that charge with a full sense of its importance. Dr. Murray said, "an attempt has been made to injure, through me, an institution of great value—I mean the Commission which his Majesty's Government has so wisely established for the purpose of promoting in Ireland a system of national education;" but he could assure their Lordships that he had no such purpose in view. Whatever was his opinion of that Board—whatever was its conduct, whether good or bad, whether he could praise it or not, he did think that, in the present instance, the conduct and the declared opinions of Dr. Murray, which were all that he had to do with, made that Prelate an improper person to be a member of the Board. Dr. Murray had referred to a statement supposed to be made by him in that House, and said, that that statement, "from whatever quarter it came, was wholly devoid of any foundation in fact." He had looked into one of the reports of his observations, and was ready to admit, from what appeared there to have fallen from him—for, of course, he did not recollect the exact expressions he had used—that he had said fully enough to warrant Dr. Murray in taking the course of denying the statements made, if he could correctly do so. Dr. Murray observed, "What was really said on that occasion I have no means of knowing, and, perhaps, have no right to inquire; but I distinctly aver, that those imputations, from whatever quarter they may have found their way into the newspapers, are wholly devoid of any foundation in fact. I do not entertain the doctrines thus attributed to me, my solemn oath attests the contrary." He did not find by the report that he had said anything of Dr. Murray holding the doctrines he had caused to be sent forth, and as he had said nothing of that sort, on that occasion, he should say nothing now. He should, however, declare frankly, that, if he was right, and if he rightly understood what Dr. Murray said, whether Dr. Murray really held the doctrines professed in this book or whether he did not, he was equally unfit for the situation he now filled. If he did hold them, he was unfit for it, because he conscientiously held principles which disqualified him for his office; if he did not hold them, it was still worse, for then he professed principles, or appeared to profess them, by sending forth a book containing them, when, in fact, they were foreign to his real sentiments. Dr. Murray said, "I did not direct the work of Dens to be published." He (the Bishop of Exeter) was not aware that he had said that Dr. Murray had directed the publication; but he had said that he had no doubt that that work was sent forth upon the authority of Dr. Murray, and that that was the fact he should now endeavour to show, and he thought he should satisfy their Lordships that he had not made the statement without good authority. He had in his hand a work put forth by authority—"*illustrissimi et reverendissimi Archiepiscopi Dubliniensis*"—it was written for the express purpose of directing the Roman Catholic Clergy of Ireland in the daily proceedings which they were to observe in performing the divine office. It went largely into directions upon this subject, and included, also, the subject of conferences in the province of Leinster, and it was followed by an advertisement of the bookseller, stating that Dens' "*Complete Body of Theology*" had been unanimously declared, at a meeting of Roman Catholics, held at Dublin in 1808, to be the best work which could be published. That was the statement put forth in "*The Priest's Daily Directory*," and bound up along with this book by Mr. Coyne, whom Dr. Murray termed, and justly termed, a respectable bookseller; and who further sets forth the assembled prelates' sanction for Dens' work—"As containing the most sure guidance for such Ecclesiastics as may, by reason of the peculiar circumstances of this country be deprived of the opportunity of referring to public libraries, or consulting those who may be placed in authority over them. In consequence, an edition of this work was ordered to be printed by the present publisher, to the number of 3,000. It, therefore, appeared, that "*Dens' Theology*" was to stand in lieu of all other books to the Roman Catholic Clergy of Ireland. The publisher then went on to say, that "Inasmuch as the work is very rare, and scarcely to be met with—and, as inasmuch as his Grace Dr. Murray, Dr. Doyle, Dr. Keating, and Dr. Kinchela, have made it the conference-book for the clergy of the province of Leinster, the publisher, as well to obviate the difficulty experienced by them, as also to advance the cause of religion and morality in the other parts of the Irish Church, is induced to reprint a limited number of copies." That limited number extended to 3,000. Their Lordships would thus perceive, that this book of Dens was originally ordered by the Roman Catholic prelates to be republished in 1808; and when that edition was exhausted, another edition became necessary, for which Dr. Murray had ensured a sale, by appointing it to be the conference-book for the clergy of the province of Leinster. That fact, then, was sufficient to justify him in asserting that "*Dens' Theology*" was published with the authority of Dr. Murray. But the proof of his having sent forth the book did not rest on these statements alone, for the publisher announced that the new edition was made more valuable than before by the addition of a supplement, a volume of theology containing the Rules, Constitutions, &c. of Benedict XIV., and it was stated that the supplementary matter had been added by the sanction and approbation of the most rev. Dr. Murray. After that it was impossible to doubt that the work had been sent forth by the authority of Dr. Murray. Though it appeared by the advertisement that the work was calculated to advance the cause of religion and morality, that would not appear if some other parts besides the advertisement were examined. They were told that the book was specially designed for the edification of the clergy, and that it would be their best and most secure guide, and would, through them, advance the cause of religion and morality in Ireland. The clergy, who desired to be possessed of it, were told that they were required to send their names early to the bookseller. The eighth volume, which contained the supplementary book on theology, and which was avowedly sent forth by Dr. Murray, contained matter against which not merely Protestants, but foreign Roman Catholics, had strong objections, for in it were bulls which the Government of Portugal had thought necessary to prohibit throughout its dominions. That fact was one of some importance, as it showed what even Roman Catholics in foreign countries thought of the book thus sent forth under the authority of Dr. Murray. Dr. Murray said, that the character of the book was altogether mistaken, and he added, "I did not make it the text-book for our theological conferences, for on such occasions we have no such book, if by that expression we are to understand the work of any writer whose opinions (when not already defined by the Church as articles of faith) the clergy are required or in any way expected to maintain." That was not the meaning which he gave to the expression "text-book." He considered a text-book not so much an authority in itself as a book which told the readers where they might find the authorities that were to guide them. In that sense only had he used the expresson "text-book," when he said that Dens' Theology had been made the text-book for the conferences. Notwithstanding what was said as to the by-gone opinions of Dens, that book was not regarded in Ireland quite so lightly as it seemed to be supposed. He had seen a letter in a Dublin newspaper, written by a Mr. Nolan, a gentleman who had not long ago conformed to the Church of England, and it was a strong evidence of the sincerity of the conversion that he had chosen this peculiar time for declaring that conversion. In February last Mr. Nolan retracted the errors of the Church of Rome, and enrolled himself among the followers of the true Protestant faith. Mr. Nolan said, that he had refused pecuniary assistance, that he knew he was abandoning a rich and pampered Church, that of the Roman Catholic Church in Ireland, but that he did it on the grounds of conscientious belief, that he was surrendering himself to the service of the Church now insulted and persecuted there. Unfortunately, that expression had too much truth in it. A Roman Catholic Priest named Macquire, had challenged any man to contradict his assertions on the subject of Dens' Theology, and had said that the Roman Catholic religion was as much dependant on the authority of Dens, as it was on the authority of Johanna Southcote. Mr. Nolan answered him by asking "Pray when, and under what influence, did you write this dreadful fabrication? Did you imagine your assertions would pass unnoticed? Pray, Sir, let me ask you, is not *Dens' Theology* one of the reference books of Maynooth College, where you and I have studied, though not as contemporaries? Is not that book left in the public library for the perusal of all the students? Again, have you or I ever heard of its perusal being prohibited? Had you not often made its contents your answers for class? And with all these questions, which must be answered in the affirmative, will you still assert that your religion no more rests upon the authority of Peter Dens than upon the authority of Johanna Southcote? Many students had copies of it in my time for their own use, and were never prevented from reading it. When I officiated as a Roman Catholic clergyman, many of the priests' conferences in Ireland were regulated by questions and answers from *Dens' Theology*. To these circumstances must be added the fact, that Dens' opinions are as much respected in Maynooth as *Blackstone's Commentaries* in the Protestant Universities of England." From this valuable testimony their Lordships would see that the book was not of that trifling authority which it was now attempted to be represented. That Dr. Murray should wish such an opinion to be entertained was not surprising; for this book contained matter of a most horrid tendency, as he should presently trouble their Lordships by showing. Meanwhile he must, in passing, remark on an artifice employed to escape from the embarrassment in which the discovery of this book had involved them. He need not say that the Roman Catholic clergy generally write very good Latin in their official composition; yet in their anxiety to get rid of the authority of Dens in the present instance, they had had recourse to a very extraordinary mode of translation, in order to explain away a passage in *The Priest's Directory*, distinctly affirming that authority. The original Latin is *Dominum Dens auctorem sequentes*, which the Catholic clergy declared to mean simply "following the course of Mr. Den's book." He was sure that none of their Lordships would be of opinion that *Dominum Dens auctorem sequentes*, can only mean the following Dens' Book as authority. With reference to this book as a conference book it was necessary for him to state what was the nature of the conferences at which it was ordered to be used as a text-book. In Ireland, and in Roman Catholic countries, the conferences of the bishops with their clergy, are different from the ordinary meetings of the clergy in Protestant countries. They are held for the purpose of instructing the Roman Catholic clergy in the use of powers of a nature and character widely different from those claimed by the Protestant clergy. The Roman Catholic clergy insisted upon having authority and dominion over the consciences and conduct of the people; and this authority was to be exercised by them in the confessional. Accordingly, one of the most important particulars in regulating the Roman Catholic clergy, was to instruct them properly in the business of confession. To illustrate this matter he would read a short extract from an authoritative book, the Roman Catechism, set forth by the authority of the Council of Trent, which the Roman Catholic prelates, when examined before the Committees of both Houses of Parliament, in 1825, admitted to be a decisive authority from which no Roman Catholic could appeal. He would read one or two short extracts from it, for the purpose of shewing the nature of the authority. The right rev. Prelate here read some extracts. The first said, "First, the faithful must be taught how great the nobility and excellency of the sacrament is, 'For seeing the Bishops and Priests are, as it were, the interpreters and ambassadors of God, who, in God's name, teach men the divine law and the rules, and 'personate God himself in the earth,' 'they are worthily called not only angels but Gods also, because they hold the power and the name of the immortal God among us." The Roman Catholic Bishops were described in that Catechism as persons "who, in God's name, taught men the knowledge of God, and who personated God himself;" they were worthy to be called not only angels but gods, because they taught the only true knowledge of God, and also because they came in the name of God. Their Lordships were not to suppose that these were mere words in the book, words which were without any authority, for he asserted that the confessional of Ireland was directed by them. There was in the book a marginal reference in this very passage. It was in these terms, "Let the priest look to this." But more than that —upon an inquiry in another place, on a Roman Catholic clergyman being examined he distinctly (and he deserved honour for thus distinctly expressing himself) he distinctly said, "that in the confession, the priest was as it were God." So far their Lordships might see that the direction that the catechism should be observed was faithfully fulfilled by the Roman Catholic clergy in Ireland. To return to that point. It might be said that the Roman Catholic clergy did not hold it to be an authority, but they belonged to a religion which they must believe to be true, and they must consider as authority that which the books of their religion taught, and which their Church enjoined; and therefore where their conferences directed the observance of any particular practices those practices became the authorized observances of the Church. He was not quite prepared to concede another point that had been demanded of him. So entirely aware were foreign Roman Catholic countries of the danger of the people reading and being instructed in any books but such as they should choose, and that the Government should point out, that the Roman Catholic States of Europe declared positively and peremptorily that the Roman Catholic priests should only give instructions from books approved of by the Government. He said this upon the authority of a Report of a Committee of the House of Commons in 1817, which Report together with the Appendix, was communicated to their Lordships at the time. At page 17, their Lordships would find, "Tuscany has taken care to order that the regular clergy shall study theology from books permitted by the Sovereign." It was not so in this country, where, thank God, we had not an absolute Government which could direct what books should, and what should not form the subject of our studies; but he mentioned the fact to show how Roman Catholic Governments interfered in these matters, and made the Romish Church in their Governments obey the directions of the State, and how much these Governments thought themselves called on to provide against the dangers of the Roman Catholic Church. In these conferences he could not understand for what honest purpose questions like the following could be deemed necessary to be discussed—*Anne licitum est ritûs infidelium tolerare? Anne cogendi infideles gremio fidelium sese adjungere? Quæ pœnæ contra labe ista infectos latæ?* "Was it lawful to tolerate the rites of unbelievers and heretics?" To which they found an answer in Dens, "that they were not in themselves to be tolerated, because they were so bad that no truth or utility can from thence be derived to the good of the Church; except, however, that some greater evils might accrue from some other source, or some greater good prevented." Again, "Unless there be some prudential reasons which may induce us to tolerate it." The answer of Dens on this subject was remarkable; he said that the Roman Catholic was not at liberty to tolerate it as the worship of heretics at all, unless to prevent some great inconvenience to the Church; but that whenever there was the power, with that power came also the duty not to tolerate. There was another question in the same book, whether heretics were to be compelled to come over to the true Church. The answer was, "Yes, they were to be compelled." The next was, what punishment had been appointed for those who had been affected with the contagion of heresy? Such were the questions mooted in this book for the instruction of the priests. Dr. Murray then said that he did not direct the publication of Dens' work, but that it was undertaken by a respectable bookseller, and that it contained a mass of valuable matter, though there were also in it opinions which were not to be defended. Dr. Murray spoke of some of the opinions as obsolete. If so, why were they discussed, except that it was intended they should no longer be obsolete? The publication had followed speedily after the unfortunate event of 1829. These were now dealt with as obsolete opinions, though they were directed to be discussed at the conferences by the priests who were to be instructed by them how to govern the people. But as to obsolete opinions, he was sorry to say that some of the worst opinions which were ever held were not obsolete in Ireland, whatever they might be in other countries. He must remark upon one circumstance. About 100 years ago a new office was created in the breviary for the satisfaction of Gregory 6th, under the title of St. Hildebrand. Gregory 6th was a perfect firebrand—he was a religious maniac urged by his religious fury to the Commission of Acts which none but a madman would have committed. An office, however, was appointed to be used to celebrate his memory. Every Roman Catholic State, as it knew of the appointment of this new office, for all did not know of it at once, interposed to get the order for the office recalled. All the States refused to recognise as in a state of beatitude St. Hildebrand, and to address him inprayer, and to implore God that by his example his Church might be governed. The same thing occurred in every one state of the Continent as soon as the office was found out. In Ireland that was not the case; in Ireland the Saint still kept his ground, and in the breviary, in the Irish prayer, the edifying example of St. Hildebrand was pointed out to the pious—and one of the acts of his life, for which he is represented to be canonized, is that of having deposed the Emperor Henry 4th, and of having absolved his subjects from their allegiance. He himself had not seen the lesson, but he understood such to be the fact. Some part of the lesson had been altered, but it could not be so altered as not to make him an example to the faithful. That, however, was not the only instance in which Ireland was distinguised above all Roman Catholic countries for its adherence to matters rejected elsewhere. The Bull, *In cœnâ Domini*, was still held in esteem in that country, though rejected elsewhere. That was not the only proof that opinions obsolete in other countries were still received in Ireland. The Bible which was sent forth in 1816 under the authority of Dr. Murray's predecessor, to whom he believed Dr. Murray then acted as coadjutor, the Douay Bible of 1816, was put forth with notes of the Rheimish translation, and among them was the following:—Deut. xvii. 12.—"He that will be proud and refuse to obey the commandment of the priest—that man shall die." Another note was "Here we see what authority God was pleased to give to the Church guides of the Old Testamen in deciding, without appeal, all controversies relating to the law, promising that they should not err therein (and punishing with death such as proudly refused to obey their decisions): and surely he has not done less for Church guides of the New Testament. The good must tolerate the evil, when it is so strong that it cannot be redressed without danger and disturbance of the whole Church; and commit the matter to God's judgement in the latter day. Otherwise, where ill men (be they heretics or other malefactors) may be punished or suppressed without disturbance and hazard of the good, they may and ought, by public authority, either spiritual or temporal, to be chastised or executed." He should refer only to one more note. Speaking of Pilate's expression—Matt. xxvii. 24., "I am innocent of the blood of this just man," the note said, "Though Pilate was much more innocent than the Jews, &c., yet he is damned for being the Minister of the people's wicked will against his own conscience. Even as all officers are, and especially the judges and juries, which execute laws of temporal princes against Catholic men; for all such are guilty of innocent blood, and are nothing excused by that they execute the laws which are unjust, for they should rather suffer death themselves than put an innocent man to death." That was the more important to be considered, as one of the questions to be discussed was as to the duty of the judge and jury. Certainly the statements he had then read, were not made on the authority of the Bible. He did mean to state that this had not been at all reformed, for it had; but it had been published with the express permission of the Roman Catholic Archbishop of Dublin. After having gone forth for twelve months, in an expensive large quarto volume, published, however, in numbers, that the people might be able to purchase it, it was discovered and reviewed in *The British Critic*, the attention of the people of England was drawn to it, and then one universal burst of indignation arose. On that occasion Dr. Troy sent for the printer and asked him how he could think of publishing the Bible as with his authority, when that authority had not been given, and that the thing had produced prodigious mischief, not that it was wrong, but that being received in this way it had produced mischief. The bookseller asked him if he had not authorized a Mr. Macnamara to publish a Bible, and if a Mr. Walsh had not been appointed by him to revise the notes to it? He admitted such to be the fact. Then, said the bookseller, that is the very Bible published under their direction. Mr. O'Connell, much to his honour, had taken up a part of the notes at the Catholic Board, and had required that a vote should be passed, disclaiming, as a part of the Roman Catholic doctrines, something which was there said. Mr. O'Connell said, "If I thought it essential to the Roman Catholic Church to hold the doctrine contained in the notes to the Bible which justify the murder of heretics as such, and the breaking oaths with heretics as such, I would no longer belong to that Church"—he did not say compatible with, but essential to—the difference was material. But how was the Motion met. Other Members said that those were not matters for them to discuss, and the utmost that was done was to appoint a Committee to consider of the matter. When the day arrived for their making a Report, none was made, the thing was delayed; it was again delayed, and again, till at length, after the interval of a month, the Roman Catholic Board ceased to exist, and by that notable contrivance saved the Roman Catholic laity from the duty of disclaiming this book. Dr. Murray referred to "the opinions of Dens respecting the rights of temporal states to compel their subjects to embrace religions which their consciences did not approve," as if it was not beyond the right of political states to compel their subjects to embrace religious doctrines contrary to their consciences. He was sorry to be obliged to say that in his opinion Dr. Murray would find it difficult to relieve himself from the charge of actually and knowingly making a misstatement of the matter. That it was so he should prove by reading three lines from Dens. After having stated, on the authority of the Council, that those who disbelieved might be exiled, imprisoned, and put to death, and proved the right to such power by citing the proper authorities, he came to the question. What are the punishments inflicted on those who were not the baptized servants of the Church? The answer was, those who were not baptized did not incur the penalty, for they were not the subjects of the Church. That was a distinct proof that these punishments were for offences towards the political state. Dr. Murray had expressed such opinions with respect to the Protestant religion as he could not dare to prove. He contended, then, that by (Dr. Murray's) holding such opinions, and enforcing such a system of instruction for the Clergy of Ireland he was rendered of very questionable fitness for the situation which he held in that country—namely, one of his Majesty's Commissioners for national education in Ireland. He thought that Dr. Murray had taken the best possible course in addressing his letter to his Majesty's Prime Minister, as one whose duty it was, to decide whether or not he would advise his Majesty—although no determination on the question might have been conveyed by a vote of Parliament, and he (the Bishop of Exeter) would at once say, that he did not mean to call for a vote of their Lordships with reference to this subject or to take any steps with reference to the continuance of Dr. Murray in his situation. It was, he repeated, certainly a very proper course for Dr. Murray to address his defence on this very charge to the Prime Minister of the Crown, who had an opportunity of deciding on his fitness or unfitness for the high post and trust of confidence which Dr. Murray held under his Majesty's Government. He applauded Dr. Murray for the manliness of his conduct in this respect. He had thus stated the grounds on which he thought himself justified in making the charge which he had brought against Dr. Murray; and it appeared to him that he had, at all events, established a *prima facie* case against him. Dr. Murray would have similar opportunities to those which he had before availed himself of, to rebut anything which he had then stated. He assured their Lordships that if he were shown to be wrong in any statement which he had submitted, he should be as ready to retract it as he had then been in making it. He would go further, and say that he should feel infinitely less reluctance in making the retraction than he had felt in making the charge. Having said thus much in allusion to Dens' Theology and Dr. Murray, he would conclude by moving simply, "that the petition of which he had spoken do lie on their Lordships' table." It was the petition of a clergyman belonging to the united Churches of England and Ireland, who had been driven from Ireland by illness, and who now lived within three miles of London. He stated facts, and expressed views which were the result of personal experience, as well as of accurate information. He would, therefore, add to his former Motion, that not only should the petition lie on the Table, but that it be read aloud by the clerk. He would, just before he sat down, state two facts which had come to his knowledge, and which he felt assured would be most gratifying to their Lordships. One was, that since the presentation of the petition of the reverend Mr. Nangle, which related to outrages which had been committed on Protestant children and adults, by Roman Catholics in Achil, these outrages had ceased, and one of those who took a most active part in them had recently become a convert to the Protestant religion, and joined the congregation of Mr. Nangle. There was also another fact of a very gratifying nature, which he would state on the authority of one of the inspectors of the schools of the Kildare-street Society, and which related to a man more distinguished for talent than any man of his day, of whom, as he was dead, it was agreeable to have to say nothing but what was pleasing: he alluded to Dr. Doyle, who, he believed, had changed his mind before his death on many points of conduct, if not of religion. The authority for what he was about to inform their Lordships was one of the inspectors of the schools of the Kildare-street Society, who had visited Carlow, and who there found Dr. Doyle, who, shortly before his death, notwithstanding all the violent opposition which he had previously felt it his duty to give these schools in Ireland, visited the infant school of the Society, which at first he viewed with apparent grief; but after having made inquiries as to the orphan asylum under the direction of the same Society, he said (alluding to his desperate state of health, and speaking as a dying man), "I am now going, and I leave my blessing with you." The right reverend Prelate concluded by moving that the petition be read, which having been done,

Viscount *Melbourne* spoke as follows:—I am sure your Lordships will give me credit for not entertaining the least wish to protract this discussion. I think, my Lords, that such a discussion as that which has been entered on by the right reverend Prelate, and the tone and temper and spirit in which it has been introduced—although the manner and the terms in which it has been conducted are sufficiently courteous and unobjectionable — yet I repeat, it must be felt that the temper and spirit of it can tend to nothing but the creation of every species of altercation, and every kind of provocation—to the revival of ancient recollections, which should, by all possible means, be avoided, and to the production, in every shape, of animosity and discord. Most of the arguments which the right reverend Prelate has now advanced, were used by a right reverend Brother of his, in a debate which took place in this House during the last Session of Parliament. Here is a story, my Lords, refering to ancient times, in which it is related that a prelate was taken prisoner at the head of a body of troops, by some temporal sovereign; and he was then demanded by the Pope, as being under his jurisdiction. The temporal sovereign is said to have sent back, in reply to the request of the Pope, the coat of mail of the Bishop, accompanied with this question "Is this thy son's coat?" I beg leave, then, to ask the right reverend Prelate at the head of the Church, whether he thinks that the speech which your Lordships have just heard, is a speech becoming a Bishop, even were the tone, temper, and spirit of it those which he is desirous of seeing adopted by any one of his suffragans? My Lords, it is not for me to enter into, or attempt to rebut, all the controversial matter which has been introduced to your notice in the speech of the right reverend Prelate. I shall address myself to the only part of the question which can relate to myself or my colleagues, in the whole of the speech which the right reverend Prelate has delivered; and that is, with respect to the conduct of Dr. Murray in sanctioning, or recommending, or using, or employing the work of one Peter Dens; of whom, I dare say, your Lordships have never heard until he was mentioned in certain public disputations which have lately taken place in this city; but who, I believe, was a professor of theology in the University of Louvain about the middle of the last century. Now in answer to the appeal which has been made to me by the right reverend Prelate, I do not hesitate to say that I am extremely sorry that Dr. Murray is a Roman Catholic Bishop: I am deeply sorry that the Roman Catholic religion prevails in Ireland at all; I regret sincerely that the principles and tenets of the Roman Catholic religion have not been got rid of in that country; but I must beg leave so say, that the imputation which the right reverend Prelate has attempted to attach, or has attached to Dr. Murray, of having adopted the work of Dens, is not, in my opinion, and so far as I can judge from the way in which the work has been characterized, a sufficient ground to disqualify him for the situation which he now holds in Ireland. Let it not for one moment be supposed that I enter into any defence of this work; it is, I dare say, sufficiently objectionable, and it contains, I apprehend, the same objectionable doctrines which are to be found in all the Roman Catholic works of that period. I am perfectly willing to admit that the members of the Roman Catholic Church in Ireland are not remarkable for their tolerance; but I say that if you allow to Roman Catholics the possession of civil rights, and an equal participation of them with Protestants, you are not justified in preventing them from holding those tenets and principles, and recommending those works which undoubtedly have the sanction of the authority of their Church. The right reverend Prelate has also on very slender grounds, in my mind, made a charge of misrepresentation against Dr. Murray, and in very strong terms, though at the same time perfectly consistent with your Lordships' orders, accused that Bishop of asserting what was unfounded and untrue. The whole ground for this accusation was, that Dr. Murray had spoken of the opinions of Dens respecting the right of temporal states to compel their subjects by confiscation and other punishments to embrace religious doctrines of which their conscience did not approve, instead of stating that these punishments were inflicted by the authority of the Church. To say, then, that Dr. Murray was guilty of gross misrepresentation simply because he interpreted this work of Dens in a manner which I have described, does certainly appear to me to be a most unfair and unfounded charge preferred by the right reverend Prelate. If I understood the speech of the right reverend Prelate, the whole tenour of it went to prove that the Roman Catholic religion is of a much more bigotted and superstitious, of a far more virulent and violent character in

Ireland, than as it exists in the other Roman States of Europe. The right reverend Prelate alluded to these States as possessing inhabitants who, though they professed the Catholic religion, were nevertheless under a greater degree of control by the State than the Roman Catholics of Ireland. The right reverend Prelate also accounted for the difference between persons of the same religion, though residing in different countries, by saying that this difference arose from the way in which the Roman Catholic religion was preached in Ireland, being a departure from or a variance with the mode established in other Catholic States. I do think, however, that there are other reasons which may more satisfactorily and justly account for this difference in the habits and feelings of those belonging to the same religious persuasion. One cause of the difference is, I think, that in other European States every disposition is manifested to confer and communicate with the members of the Roman Catholic Church, and by that means that a salutary and efficient control has been exercised over their faith and its doctrines is beyond a doubt. In discussing this question, my Lords, I am most anxious to forget the disputes, and the discords, and the bloodshed of former times. My Lords, I don't wish to go back to them. But when, my Lords, it is said that it has been the precept of the Roman Catholic religion to extirpate heretics, your Lordships must forgive me if I remind you that extirpation was also the principle and practice of Protestant Governments. When I say that, do not, my Lords, at all suppose that I mean to sanction those opinions which are generally promulgated, that Ireland has undergone centuries of misrule by acts of misgovernment, because if you look into her history, you will find it very difficult to lay your finger on chapters where any difference in the policy of the Government is related to have been adopted. But certain it is, my Lords, that up to the last sixty years the policy of the Government of that country was the extirpation of the Roman Catholic Religion. This design was first carried into effect by the confiscation of the province of Ulster, in the time of James 1st, and bestowing it on Protestant subjects. Then Lord Strafford attempted to protestantize Connaught: but was diverted from his purpose by being called home to quell disorders in his own country. Again Cromwell deluged a great part of the country with blood, and exterminated the inhabitants with fire and sword, for the express and avowed purpose of extirpating the Catholic religion; and, lastly, my Lords, the withering, desolating, and destructive system of Penal-laws was established, with the view of extirpating the Roman Catholic religion, by subjecting those who professed it to every loss, and inflicting on them every insult. These, my Lords, were a few of the means taken to extirpate the Catholic religion in Ireland. Let these, my Lords, be weighed against the extirpation of heretics, dwelt upon in a page of Dens, one of the professors of theology in the University of Louvain.

The Marquess of *Westmeath* could inform their Lordships that efforts were made by the Popish Priests to spirit up the peasantry against the resident gentry, and infuse into them the poison of religious and political hostility against all who stood up for the principles of good government, the security of property, and the maintenance of the Protestant religion. After the Catholic Relief Bill passed, there was generally a kind feeling on the part of the Roman Catholics to the landlords, and the Protestant Government and Protestant population generally. That measure would have had all the good effects anticipated from it by its warmest advocates (and as an Irish landlord, conversant with the feelings and habits of the people, he spoke from experience) were it not for the wanton and pernicious interference of a set of men, whose gain was disturbance. These disturbers of the national tranquillity and vitiators of the public mind, actuated and directed by a master-spirit—went about teaching the credulous multitude that Emancipation was but the commencement of a series of innovations, which they misnamed improvements. These incendiaries were they who unsettled the public mind. The people were naturally kind, amiable and peaceful. This every one who mixed with and knew them could attest. And if they committed atrocities, and outraged the laws, and showed an enmity to the Protestant institutions of the country, they were stimulated to these acts by the factious and selfish agitators who worked upon them. It was said that the country was divided into two classes—that the Protestants held aloof from the Catholics, But whose fault was that? Not the fault of the Protestants, who had raised the Catholics to an equality of privileges with themselves. It was the fault of those disturbers who would goad on the Catholics to avail themselves of the advantage ground, and strike down the Protestants, in place of courting them as friends, or cherishing them as benefactors. This conduct alarmed the Protestants, and put them on their guard. If they, then, stood on their defence, it was no reproach to them. In fact, it was their duty to stand up for their liberties, property, and lives. He regretted to say that the Catholic Priests were prime agents in the present work of mischief going on in Ireland. He did not speak of the Priests in their clerical capacity, but in their political. It was as political agents he complained of them. Their conduct not only tended to the disseverment of all the social ties between man and man in Ireland—it was not only causing the emigration of the affrighted Protestants—but was positively producing already the confiscation of their property. Protestant property was not safe at present in Ireland; it was held at the beck of these ruthless and unprincipled incendiaries, lay and clerical. The noble Viscount opposite (Melbourne) dwelt on the confiscations of Irish property by the English Government, as if those acts could be any justification of the present system of confiscation and robbery pursued by the Catholics in Ireland against the Protestants. He (Lord Westmeath) would not follow the noble Lord through his catalogue, though he could find but little difficulty in refuting him; he would however, refer to the case of Cromwell's conduct, which was made a constant and a presumedly strong case. Now, it was notorious—it was undeniable history—that Cromwell's edict of confiscation was not issued till it was rendered necessary by the conduct of the Catholics themselves—till a meeting of the Priests was held in Westmeath, which enjoined, as a necessary and a wholesome act, not merely of State policy but of religion, the murder of the Protestants, and the confiscation of their property. He was quite willing, however, that every thing of that sort should be forgotten; but he did think, after the course which had been adopted on the other side, that Protestants were justified in taking hold of Dens' Book as recommended by Dr. Murray, in order to show that Roman Catholicism had not changed. He could not approve of the new concessions which were about to be given to the Roman Catholics of Ireland, and he was most grateful to the right rev. Prelate for having in so able a manner introduced this subject to the attention of their Lordships.

The Duke of *Wellington* was of opinion that the discussion of this question could lead to no desirable result; but their Lordships should not forget what the origin of it was. The right reverend Prelate (the Bishop of Exeter) had presented a petition to the House on the subject of persecution, said to have been practised on a Protestant clergyman, and people of a certain parish in Ireland, and out of this had grown what since followed. The right rev. Prelate had a perfect right to make those observations which he had just addressed to their Lordships with respect to that petition. Now, my Lords, with respect to the question which has arisen in the course of this debate, I do say that the Protestant people and clergy of Ireland have great reason to complain of the want of protection to their rights and properties on the part of the Government of this country; and this is the cause of those disputes and those circumstances which the noble Lord opposite (Lord Melbourne) had complained of, in the few words which he had addressed to the House on the subject. Far be it from me to wish for any renewal of dissensions in Ireland, and God knows I would go any length, or do anything to put them down, so far as they now exist; but we are mistaken, if we suppose that they can be put down by oppressing one party, or allowing one party to oppress another, or by extinguishing—what for the last three or four years you have attempted, and are now about to complete—that description of property in Ireland allotted to the payment of the clergy. This is the circumstance which occasions the present dissensions in Ireland, and which has induced the present discussion in this House. The noble Lord opposite cannot lament the cause of such discussions more than I do; but if he be determined to do his duty, let him give the protection of his Majesty's Government to the Protestant clergy and people of Ireland, as he does not hesitate to do in the case of other classes in that country; and the evils which he so much deplores will soon cease to exist.

The Archbishop of *Canterbury* should not have said a word in the present discussion, if he had not been so directly appealed to by the noble Lord at the head of his Majesty's Government. He must say, in answer to that appeal, that in instituting a comparison between the Bishop who had been taken prisoner and his right reverend Friend, he did his right reverend Friend a great injustice. He heard nothing bordering on incendiary language held by his right reverend Friend. All that he had said was a fair comment on a letter which certainly was not such as he expected to have seen proceed from the head of the Romish Church, in answer to the accusation made against that Church. He should have expected something more distinct in the shape of a denial—something more explanatory; and he could not feel any surprise that his right reverend Friend should have felt himself called on to come forward when such an answer was returned to a grave accusation against the manner in which the Church of Rome was now conducted in Ireland. It had been always his rule of conduct in that House to abstain from giving personal offence to any one if he could possibly avoid it. He had been particularly careful in the observance of this rule with regard to the conduct of the Romish Ecclesiastics in Ireland. There certainly had frequently been enough in their conduct in some respects to provoke his indignation, in others to excite his sorrow, and he would say that the last was the feeling strongest in his mind. With regard to the Romish Church, it was in many respects like our own; it held most of our orthodox doctrines; though it corrupted many Christian truths, and its temporal policy had been conducted by means detestable in the highest degree. It was true that on the Continent it was controlled by despotic power, which would not permit the existence of a religion which interfered with it; but in Ireland no such control was exercised, and it still retained all its original bad principles. What he prayed for most heartily—wishing to see peace and concord amongst all denominations, and wishing to see peace restored to a country which had been long unhappily distracted by religious dissensions—was, that such conduct should be exhibited on the part of the Romish Hierarchy as he thought was demanded by the spirit of the Catholic religion, and to which they advanced an exclusive title. The gravest accusation was preferred against them. This accusation, it appeared, was justified; for the work which gave rise to it was published under their authority. This book might contain much useful matter; but one would have supposed that if it were republished by the authority of the Hierarchy, it would have been reformed under that authority. There were parts of the work of which every man had a right to complain—both the Sovereign and his subjects—and the proper course would have been to expunge the exceptionable parts before it was suffered to be reprinted under the authority of the Roman Catholic Church. That it was reprinted under that authority, he took for granted from the title of the book, in which the fact was stated. It was beside inserted in the Roman Catholic Directory, and in controversial discussions was regularly acknowledged. Now, if any of their Lordships were placed in the situation of any of the Hierarchy of the Church—if it had been stated that an objectionable work had been published in his name, would he not have felt bound, if he did not approve of it, to disclaim the authorship? He found that one edition of this work was published in 1806, another in 1816, and another edition (of 3,000) was now published, as it was stated, by authority. This statement, if it were not published on their authority, was a libel on the Roman Catholic Bishops, which they certainly ought to have long since attempted to repel. But under all these circumstances, what he thought would have the effect of pacifying Ireland, so far as religion is really concerned in the dissensions, would be that the Romish Bishops should come forward in the true spirit of the religion they profess—that they should take under their consideration these accusations which have been preferred against them, and distinctly disclaim them; and take such measures as that they should never again be brought against them. There was another point which weighed much on his mind. He alluded to the acts said to be committed by the Romish Priests, when they denounced Protestants from their chapels, and thus committed the desecration of a most sacred place, not only for political, but for the most detestable purposes. He did think it strange that in the Romish Church, the discipline of which was said to be so strict, that the Prelates should come forward, and if they had not the power of dismissing such Priests as had acted in such a manner, at all events stigmatize such proceeding by such marked censure as would prevent their repetition. The persecution now carried on against the Protestants in Ireland was very much of the same nature as that which was pursued by the Pagans against the primitive Christians. Of all the atrocities perpetrated against the Christians, by far the smallest part was inflicted by the Governments under which they lived. No; they proceeded from the connivance of the Governors at the tumultuary proceedings of that part of the people which was animated with a spirit of persecution. He did not say—God forbid he should—that there was any want of power in the laws to suppress the present disturbances in Ireland. It was the refusal, or at least the backwardness, of the Roman Catholic Bishops to bring their Priests into proper order, and prevent acts which were disgraceful to the Roman Catholic religion of which he complained. That conduct tended more than anything to keep up exasperated feelings in Ireland —to set Catholic against Protestant, and Protestant against Catholic—and which, unless some measures were adopted to put it down, would continue to have the same effects for many successive generations. Whilst we retained the principles of our own Church, we were ready to give those who had the control over the Catholic Church all the credit which they could fairly deserve if they came forward and acted in a fair and Christian spirit. He was quite unprepared to take any part in the discussion which had taken place; but he felt called on to say as much as he had done. He wished most heartily that his advice could be heard and acted on by those for whom it was intended.

The Earl of *Limerick* was of opinion, that much mischief would arise from the Minister of the Crown going into a detail of the history of Ireland, in order to prove that the policy of this country had been to extirpate Catholicism in Ireland. The noble Lord had alluded to the forfeiture of Ulster; but he omitted to mention that in 1688 in that province Protestants were massacred, their properties confiscated, and between 3,000 and 4,000 noblemen and gentlemen proscribed by an Act of Parliament, which was procured with that facility with which all Acts of a similar description were at that time passed. He came to a later period—the rebellion of 1798. He was, perhaps, the only one of their Lordships who had witnessed that rebellion, and there saw banded against Protestants 26,000 men, principally headed by the Priesthood. He there saw Protestants massacred; and he heard from a witness to the fact that there were 280 burned in one barn. Much was expected from the large concessions which had been made to the people of that country, and from all classes being, as it was said, placed on an equality. But equality did not consist in allowing one party to plunder another. That was not the mode to pacify Ireland. He was willing to forget and forgive; but he hoped no system would be sanctioned which allowed of the Protestants being robbed and massacred.

Viscount *Duncannon* wished to say a word with respect to what had fallen from a noble Duke (the Duke of Wellington) in the course of the debate. The noble Duke had said that his Majesty's present Government had not afforded any protection to the property of the clergy of Ireland. Why the noble Duke had held office for six months, and he begged to ask what protection had the Government of which the noble Duke was the head, and who was six months in power, given to that property? The noble Duke accused us of spoliating the Church.

The Duke of *Wellington:* I said nothing about spoliation: and I beg to add that I was not in office six months.

Viscount *Duncannon:* It must surely be in the recollection of the noble Duke that a measure was brought forward during the time that he was at the head of the Government, by his colleagues in another place, which was all but exactly similar to the Bill of the previous Session, which the noble Lord declared in that House would, if it were passed into a law have the effect of destroying the Church. Thus the noble Duke gave a protection to their property in the case of his own Bill, which he refused to give to the measure introduced in the previous Session. Would the noble Duke withdraw his assent to the protection afforded to this property, in the Bill which had been introduced into the other House of Parliament? The right hon. Gentleman who had introduced the first Bill on the subject of tithes in the present Session of Parliament, declared that the tithes could not be collected without the aid of the military, and that he was unwilling to call for their interference. Did the noble Duke now dissent from that opinion, and did he think that the collection was to be enforced by military law. In answer to what had been said by the noble Duke as to the introduction of this question, he could only say that it was first introduced by the right reverend Prelate (the Bishop of Exeter). He had certainly felt it his duty to rebut some accusations which were made by the right reverend Prelate, relative to some gentlemen who were appointed by the Government in Ireland for important purposes. It was certainly not his (Lord Duncannon's) fault if the right reverend Prelate had thought fit to introduce a question, the discussion of which would neither tend to diminish the influence of the Catholic religion in Ireland, nor produce feelings of conciliation amongst the inhabitants of that country.

The Duke of *Wellington* could not understand why that occasion should have been selected to institute a comparison between a Bill which had been introduced into the other House of Parliament by a right hon. Friend of his, and a Bill which had been lately submitted to Parliament by the present Government. When the proper time came for explaining his views, as to the difference between the two measures, he should be ready to do so. He had been charged with having been in office six months. He had only been in office during two months, while the Parliament was sitting; and during that time a measure on the subject of tithes certainly had been proposed by the Administration, of which he formed a part, for the purpose of putting an end to the discussions and the questions which were excited by the Government to which the noble Viscount belonged. He would tell the noble Lord opposite, at the fit time, in what way it was his intention to give protection to this description of property. His opinions on the question had remained unchanged. What he called upon the Government to do was to remedy the evils which had grown up in Ireland, in consequence of the measures lately adopted in reference to that country—to put an end both to those evils and the discussions upon them in that House—to give protection to the Protestant clergymen in the performance of their duties—to give protection to their property, and to bring it back again into existence.

Viscount *Duncannon* would only ask the noble Duke what had been the protection which he had given during the time that he had been in office?

The Duke of *Wellington* said, that during that period a measure had been introduced into Parliament, which would, if passed into a law, have put an end to the evils in question.

Viscount *Duncannon* then observed, that there was now in the other House of Parliament a measure which had been proposed with the same intention.

Lord *Ashburton* said, it was not his intention to have taken any part in the discussion that had arisen on the present occasion on the unfortunate state of the Protestants of Ireland, but it was almost impossible that any one sitting in a deliberative and Legislative Assembly could entirely abstain from taking part in such a debate. When the noble Lord opposite said that nothing was done by the present Government in opposition to the Protestant Church which was not intended by the late Government, which was only in office for a very short time, he would please to recollect that with respect to the Bill now introduced, although they might not strictly have a right there to speak to it, as it had not yet been before them, yet it was very well known to the country that by that Bill it was proposed to withdraw the Protestant Church from 800 parishes in Ireland; and much as he regretted theological discussions, which almost invariably, whenever they took place, became more or less angry, he would say with respect to the right reverend Bishops of this country, whatever might have been their disposition to meddle with Christians of this description, the members of the Church of England, in England and in Ireland, would have thought those Bishops had strangely neglected their duty if, under circumstances of the immense importance he had adverted to, they had sat still without making any remonstrance, or without resisting an attempt fraught with such danger. He really thought, from the tone adopted by the noble Viscount opposite, it was not for him to complain of any particular tone on the part of right reverend Prelates in discussing this question; because, if the measure contemplated, and which was likely soon to be brought into that House was to be carried into effect, and the result was to be that the Protestant Church in Ireland was to be withdrawn from 800 parishes, and those parishes were to be entirely abandoned, or left to the spiritual care of Roman Catholics, was it not of the last importance that their Lordships should know what the nature of the Roman Catholic religion was? Avoiding as much as possible angry discussion on the subject, when it was proposed for the first time to withdraw the Protestant Church from so large a portion of Ireland, would the inhabitants of this country not require that their Lordships should have explained and understood what was the nature of that spiritual assistance which was to be substituted? For mankind spiritual aid was as necessary as bread was for our temporal support. It became the duty then of the Protestants of this country, and more especially of the right reverend Prelate's to inquire what spiritual aid, and through what hands that aid was to be administered to the population in Ireland which was thus to be deprived of the Protestant Church. When the noble Lord said that the present Government was doing nothing but what the last Government had proposed, he would inform that noble Lord that the late Government had never meditated the mischief now contemplated, of removing the Protestant Church from so large a portion of Ireland. He would say further, that nine-tenths of the difficulties which had arisen with reference to the collection of tithes in Ireland had resulted from the unfortunate conduct of what he might call the present Government, because that Government was very much the same as that which had preceded the late Government, which had existed for so short a period. The unfortunate manner in which that Government at once proclaimed the entire extinction of tithes was the ground of all the difficulties which had since been so much complained of. Practically there was no difficulty in the collection of tithes before that time. He did not mean to say, that before that period the collection of tithes did not produce irritation in certain parts, but undoubtedly nine-tenths of the irritation that subsequently followed was occasioned by the precipitate manner in which property of that description was denounced in Parliament. From the statements made by his Majesty's Ministers it came upon the people's minds by a sort of surprise that could hardly be reconciled, that the Crown and its Ministers were turned against the Protestant Church in Ireland, and the continuation of the collection of that which was its due. Happy should he be if, when the measure now proposed for Ireland came up to that House, it was found that his Majesty's Ministers contemplated nothing but what the preceding Government had, and then the assertion of the noble Lord opposite would be fair. Not having read that Bill as regarded the subject of the collection of tithes, he would take for granted, from what had been stated, that it did not differ from what was contemplated by the late Government; but if a bill was brought forward with a condition tacked to it for the extinction of a third of the Protestant Church in Ireland, with respect to which no such annexation was thought of before, it would be impossible, at any future period, to pass a Bill for the collection of tithes. So far from having thought it at all unbecoming on the part of the right reverend Prelate to introduce this subject, he should have said, if they had so far lost sight of the great crisis in which the church was now involved which they were called upon to protect, and had not come forward to its aid, they would have abandoned one of their most essential duties.

The Marquess of *Lansdowne* said, he had no wish to add to the mischievous effect of a debate of this sort by prolonging it, commencing as it had upon a theological work which none of their Lordships had read, and ending as it had in a discussion upon a Bill not then before the House, and which they did not appear at present to comprehend. If there was one point which his noble Friend, if he would allow him so to call him, who had just sat down, had made clear, it was, that he had not read the Bill, for if he had read it he would not have committed the error he had done of confounding the number of benefices to be legislated upon with the number of Protestant Ministers to be affected by the Bill. If the noble Duke opposite meant to impute want of vigilance on the part of his Majesty's present Government in Ireland in upholding the interests of his Majesty's Protestant subjects there, no man could consider that as a deeper censure on his Majesty's Government in Ireland than himself (the noble Marquess); nor would he be less willing to meet the great authority of the noble Duke, or any peer who might bring forward a case against the legal protection—and who would ask for more than legal protection?—that had been withheld from the Protestants of Ireland. If there had been any such conduct, it must have been a gross dereliction of duty on the part of the Government of that country, and ought to be visited with the severest censure of that House. If the noble Duke intended his observations to apply rather to the general course of policy pursued by the Government in regard to tithes than to any specific case in which the protection of the law had been withheld, let him (the Marquess of Lansdowne) remind the noble Duke, when he told their Lordships that a Bill had been introduced by the late Government, which, if passed, would have settled the question—that it was not at Easter of the present year, but at the Midsummer of last year, that such a measure had been brought forward, which would have had that effect. He understood the noble Duke to assent to what he had stated. [The Duke of *Wellington*: No, no.] The noble Duke said "No." I was interrupted by the noble Duke. [The Duke of *Wellington:* No, not a bit. The noble Lord called on me to say, whether I assented to what he had stated, and I intimated to him that I did not.] He must, then, repeat that, in the summer of last year, a measure had been introduced—had been carried through the other House of Parliament—had been approved of in Ireland, and had been brought into their Lordships' House, which, if it had been passed by their Lordships, would, he pledged himself, have secured the property of the Irish Church, inasmuch as it would have tended to do away with the prejudices, hostility, and odium, which not existed merely now, but which for a series of years had been accumulating, and which might have been removed by associating with the enactments which had so frequently been brought forward upon the subject of the collection of tithes, such remedies of existing evils as might have reconciled the minds of the Irish people to those enactments. His noble Friend opposite had said, that the chief difficulty in the way of the collection of tithes had originated from the declarations made by his Majesty's Ministers at the time when Earl Grey and Lord Stanley were members of the Government. If his noble Friend had read the proceedings of the other House at that time (he being a member of it), he would have found that the declaration to which he especially referred, as the origin of all evil, was not the declaration of his Majesty's Government, but a declaration contained in the Report of a Committee—which Report, doubtless, like the Bill now proposed by his Majesty's Government, the noble Lord had not read, to which, therefore, he begged to refer him. That Report contained the expression that it was desirable that tithes should be extinguished; it had been unanimously agreed to by the Committee from whom it emanated—a Committee composed of Members taken from both sides of the House—it had been the subject of discussion in their Lordships' House afterwards, and had been adopted unanimously by their Lordships on both sides of the House. Let him, then, not be told that it was from that expression, "extinction of tithes," now dragged forth, that the misfortunes attaching to that property had arisen; rather let their Lordships look back to that series of unhappy circumstances which had been brought about by the peculiar and anomalous relations of society in that country, and the feelings which had too long prevailed throughout the different classes of its population. These feelings it was the duty of every Government to endeavour to mitigate and assuage; but their endeavours to that end, let him observe, might be frustrated by that unfortunate recurrence to crimination and recrimination, and that habit of dragging forward the most irritating points of theological controversy of which they were destined to be the daily witnesses. He trusted this debate would now close, and that it would not be revived again till the great question came properly and fully before the House in all its bearings, so that they might be enabled fully to discuss it, and when noble Lords might rest assured their sanction to no bill would be required that would not have the effect of more effectually securing by law the best interests of the Irish population.

Lord *Farnham* thought it was perfectly competent for that House to consider theological opinions upon any questions, so far as those religious opinions bore upon the civil state and affairs of society. It was his wish to tolerate every religion which was not hostile to the religion of the State; when it became so hostile, he thought it the duty of the Legislature to take cognizance of it. He believed that the noble Viscount's former Bill, as originally introduced, would have met with the concurrence of their Lordships; but, subsequently, a sacrifice of its original principle being made, and their Lordships not agreeing to it then, surely it was not fair to throw odium upon his noble Friend and others who objected to it in its altered state. He thought the whole conduct of his Majesty's Government justified the Protestants of Ireland in complaining that their interests were not equally protected with those of others. He had been informed that, not only with regard to their property, but in other respects, justice was not equally administered to them. He might have been misinformed, but he had been informed that, on one occasion, when several Protestants and Catholics had been convicted of riots, the former having been sentenced by Chief Baron Joy to three and the latter to six months' imprisonment; the prerogative of the Crown in Ireland was exercised in favour of the Catholic prisoners, so far as setting them at liberty at the expiration of three months, at which period the Protestants were liberated, notwithstanding their offence upon the trial had been considered as much more aggravated than that of the Protestants. If that was with the concurrence and upon the recommendation of the learned judge, he could have nothing to say against it; but if not, it was a partial, undue, and unfair exercise of the prerogative of the Crown. He did not recollect the name of the case, but the liberation took place about three weeks ago. He regretted that these complaints on the part of Protestants should excite such warm feelings on the part of the noble Viscount opposite, but they were entitled to complain, unless it was to be declared they were not to expect that protection which his Majesty's other subjects considered themselves entitled to.

Petition to lie on the Table.

## HOUSE OF COMMONS,

### *Thursday, July* 16, 1835.

Minutes.] Bill. Read a second time:—Steam Vessels' Pilotage.

Petitions presented. By Sir William Follett, from Exeter, Mr. Miles, from Bridgenorth, the Earl of Lincoln, from Nottingham, Sir F. Pollock and Mr. Hope, from several Places, against the Municipal Corporations' Bill.—By Mr. Ewart, from Artists and others, against allowing any part of the National Gallery to be used as a receptacle of a private Society.—By Sir H. Parnell, from Dundee, against any Alteration in Bonding Warehouses.—By Mr. Aglionby, from St. Helen's, for a Speedier and Cheaper Process of recovering Possession of Tenements.—By Mr. Warburton, from Brixham, for considering the present System of Pilotage.—By Mr. S. Crawford, from Carlow, against Tithes.—By Mr. Sinclair, from Bescobie, for Protection to the Church of Scotland.

Weights and Measures' Bill.] On the Motion of Lord Ebrington, the House resolved itself into Committee on the Weights' and Measures' Bil

Various Clauses were agreed to.

On Clause 12, which enacts that weights made of lead or pewter might be stamped, being proposed,

Sir *R. Greisley* moved as an Amendment, that no weights should, after the passing of this Act, be made of other metals than gold, silver, iron, brass, or copper.

The Amendment negative

Mr. Estcourt moved the entire omission of the Clause.

The Committee divided—on the Clause Ayes 50; Noes 30; Majority 20.

The House resumed.

York and Yarmouth.] Lord *John Russell* said, that it had been agreed on Tuesday night, that the Select Committee upon the Petitions relating to the city of York and borough of Yarmouth should be appointed to day. He had been asked both by the hon. Member for Ipswich (Mr. Wason) and the right hon. Baronet (Sir Robert Peel) to propose the Members of the Committee: he had replied that the duty was unpleasant, and that he had undertaken it unwillingly in the Ipswich case, but he did not on that account intend to decline it. In selecting the names, he had thought it better not to be guided by the suggestion of the hon. Member for Ipswich, but to adhere to the rule he had laid down to himself in the Ipswich case,—namely, that of appointing Members who had taken no active part in the discussion. He could not concur with the hon. Member for Ipswich that the Members connected with York and Yarmouth ought to form part of the Committee; but he was inclined to agree with his noble Friend, the Member for Liverpool (Lord Sandon) that such individuals would be open to suspicion, and could not so well resist influence and solicitation. He intended that the number should be more limited than in the Ipswich case, and that the Committee should consist of only nine, instead of eleven. He hoped that the individuals selected would enter into a regulation to attend punctually upon the inquiry from day to day; but at the same time it would be necessary to fix a limit for the quorum, which, he suggested, should not be less than three. He intended also to move, in order to secure a strict attendance, that should a Member of the Committee be absent for two consecutive days, his name should be reported to the House, that another might be substituted, and he discharged from further duty. Hitherto, he thought that too loose a method of proceeding had been usually adopted with regard to Select Committees. Many Members were sometimes named—perhaps twenty-five or thirty—when only three, four, or five attended. This was a practice it was expedient to check as much as possible on all occasions, but especially on the present, when it was essential that the Members appointed to inquire should be daily present.

The Committee was appointed.

CORPORATION REFORM — EXPLANATION.] Lord *John Russell* begged to state in a few words, the course he meant to propose with respect to the Municipal Corporations Bill. He found that it would be absolutely necessary that he should move that the Speaker do leave the Chair, in order that the proposed Amendments should be considered and agreed to in a Committee of the whole House. It was a matter of difficulty to make out some of these Amendments, many of which were merely verbal, although others were substantive; and it would be exceedingly inconvenient for the House itself to go through them all. He wished to propose, therefore, that all the Motions which had been given notice of on the Report should be made on the third reading of the Bill. It was his intention to move, that the Bill be recommitted, and on the resumption of the House, that the Bill, as amended, should be printed and taken into consideration to-morrow. In order to enable him to do so as soon as possible, he requested as this was a day on which notices preceded Motions, that hon. Members, who had on the paper notices of Motions which might, without disadvantage, be deferred, would consent so to defer them, in order to allow of the recommitment of the Municipal Corporation Reform Bill.

Sir *Richard Vyvyan* protested against the manner in which this Bill had been conducted. The principle of the measure had not hitherto been discussed. He was determined, however, that he would bring the whole question before the House and the country, and not to allow a measure which went to destroy so many valuable rights to be carried without some discussion as to its merits. If no other opportunity afforded itself for that purpose, he would take it on presenting the petition which he had in his possession, signed by above two thousand freemen of the city of Bristol, who would be deprived of their chartered rights by the Bill in question.

Lord *John Russell* replied, that on bringing forward the Bill he had endeavoured to state as distinctly as he could the grounds of the measure. He had proposed the second reading as usual. It was not his fault that he had not on that occasion answered any objection to the Bill, because — no objections had been made against it. Either on the bringing up of the Report or on the Motion for the third reading, it would be competent to the hon. Baronet, the Member for Bristol, to state in detail the whole of the objections which he entertained to the principle of the Bill.

Colonel *Sibthorp* was at a loss to know how Members could understand the principle of the Bill, subjected as the Bill had been at various times to so many Amendments and alterations. He had that morning had a third edition of the Bill put into his hands; and now the noble Lord, after having, from time to time, shoved in various new Clauses, was about to propose further changes. How in the name of common sense were hon. Members to find out all the alterations which had been made in the Bill unless a proper opportunity was afforded them for doing so? Feeling most strongly how impossible it was for hon. Members to understand all the introductions which had been made in the Bill, and the various propositions which had been brought forward by the noble Lord, he put it to them and the country whether the course now proposed was that which they ought to adopt. However insufficiently the measure might be considered in that House, he trusted that justice would be done to it in the other House of Parliament. But the fact was, that the same system had been adopted by the Ministerial bench with reference to all other measures introduced by them. He felt it to be impossible to trust the suggestions and recommendations of the noble Lord. It was the duty of hon. Members to guard against a course of proceeding which was marked throughout with political subtlety and political trick.

Sir *Richard Vyvyan* said, that he was not responsible for the fact that no opposition had been made to the Bill on the second reading.

Mr. *Borthwick* said, the House would perhaps recollect that on presenting a petition on the subject, he had wished to enter on the principle of this Bill, conceiving that that was a proper opportunity to do so; but that he had given way to the feeling expressed by the other side of the House, that it would be better that he should reserve what he had to say on the principle of the Bill until the opportunity should present itself in the progress of the Bill itself. The purpose for which he now rose was to ascertain whether such an opportunity would yet present itself.

Lord *John Russell* said, that the hon. Member for Evesham might state his objections to the principle of the Bill on the third reading.

Subject dropped.

ADMISSION OF LADIES TO HEAR THE DEBATES OF THE HOUSE OF COMMONS.] Mr. *Grantley Berkeley* then rose to move, pursuant to notice, that in future ladies be admitted as strangers into the gallery, in order to hear the debates of that House. The hon. Member spoke as follows:—"In rising to bring forward this Motion, that ladies be admitted to the gallery of the House of Commons, I feel the less diffidence, because I am fully aware that however I may fail in the attempt to render the measure more acceptable to the House, still the cause itself will have an eloquent advocate in the breasts of all those who hear me, which will not fail to throw the weight of its feelings into that scale, which I trust will prove so redundant with favourable opinion as to confirm the boon I ask without even rendering a division necessary. In former times, 1716, *Hatsel's Precedents* inform us (vol. ii.) that not only was the strangers' gallery open to the ladies, but they were also permitted to occupy the benches immediately beneath it. In the Irish Parliaments they attended the debates, in France they to this day do the same, and they also enjoy that privilege in our own House of Peers. Then why should the Commons of England be behindhand in attention and liberality on such an occasion? I am well aware that there is an erroneous opinion entertained by a few, a very few, as to what is deemed the too great interference of ladies already in the political world; and I have even heard of some men who are sufficiently selfish in their confined notions of lawful rule and right of supremacy, to say that they ought to take no part therein; but this narrow reasoning I deny. So long as a female head can singly wear the crown of England, let them not hold so false a doctrine. Are there any to be found hardy enough to assert that the female portion of the population does not contain a vast share of the better intellect of the country, or that in very many instances it does not fall to their lot to think of, and to rule, the line of conduct which man in his more apparent wisdom may pursue? And is it not often in their power, a power which no one can take from them, by their influence to decide a contested election for county or town? It is: there cannot be a doubt of it. Well, then, I ask the House, if, as it cannot divest them of weight in matters over which their mental worth must ever give them sway, if it would not be better—if it would not be but an act of justice—to concede to them an opportunity of listening to a debate in an honoured situation, to which they are so thoroughly entitled? Before the recent conflagration, they had it in their power to preside over our political hemisphere, and I am not aware that the sittings of the House were later on that account; then why not permit them a less lofty but more comfortable accommodation? I have been assured by one or two right hon. Members, but who, I trust, have too much gallantry really to oppose me, that the only reasons on which they hesitated as to whether they should support me or not, were that if the ladies were admitted, they feared that those Gentlemen who could speak would always and on every subject be addressing themselves to the gallery instead of the legislative portion of the House, and that it would tend to lengthen the addresses, and increase the number of orators. To the first of these fears I have to say, that I much doubt now, whether in some instances hon. Members do not address themselves to those beyond the walls, or rather to the galleries, instead of to the minds of those in actual deliberation. Did they not do so, some right hon. and gallant Friends of mine would not persist in their speeches so long after they had become in reality tedious as twice-told tales, vexing the dull ears of drowsy men, and obviously useless from the fact that every Member in the House had long before made up his mind as to the vote which he should give. Again, I deny that it would be likely to increase the number of orators, for this reason; it strikes me that I have heard eight or ten words indifferently delivered and applied within these walls, which, after a night's rest or a journey into the country, became wonderfully refreshed and magnified, appearing in the papers to the eyes of the admiring public, both male and female, not only of twenty or thirty lines' duration, but embellished with sundry cheers, teeming with wit, poetry, and pathos, and ending in a reception widely different from that which, in my mistaken imagination, I held them really to have received. I maintain, therefore, that such orators, if such there should still be, whose speeches thrive from a few hours' rest, from a journey, or, with mushroom celerity, during the hours of darkness, that they would for their own sakes remain silent, in order that their female friends at least might still lean on the fond recollection that the power of former eloquence had not departed, but only slumbered till some more weighty call. Now, granting that from the presence of ladies the language of the House did assume a softer, a more poetical, and a more civil style, where would be the harm of this? I will ask the House to look back upon the language and upon the general spirit of coarse personality, which has at times distinguished the present Session, and to declare whether there is not wide room for improvement, and whether the bitter tone that has at times been used could not be mitigated by the honey that could be infused by a better presence? Why, I contend, that had the gallery, or part of it, been tenanted by ladies, several hon. Members of my acquaintance would never have had cause to allude to a breach of privilege, neither would a right hon. Friend of mine (the Chancellor of the Exchequer) have had sufficient obduracy of heart to have inflicted a speech of five hours' duration, had he known that for that time he must have stormed the tympanum of the female ear. Ireland herself, though ever eloquent, were ladies present, might learn a happy lesson, and throw off the rough and angry heather of her mountains, and appear in the more quiet and acceptable, and far more persuasive and useful, garb of her emerald vales. The sailor does not always reach the richest haven on the crest of the wildest wave, and violent language cannot persuade, while it must ever offend; or, to use the words of the Sovereign Elizabeth, 'anger makes men witty, but it keeps them poor.' I question much if the admission of ladies would have any effect at all, save the grace that their countenance ever gives; or if it had, whether it would not confer more good than harm on the character of debates in general. I therefore ask permission to appoint a Select Committee to consider and report upon the best means of setting apart and adapting a portion of the strangers' gallery for the admittance of ladies during the debates of this House, such admittance to be granted or regulated according to such form and manner as the Speaker shall appoint. Also that directions be given with a view to the same effect in the building of the new House of Commons."

Several hon. Members rose to second the Motion.

Lord *John Russell* would not enter into the subject of debate, but he really meant to oppose the Motion of the gallant Member. If it were the intention of the House to admit ladies into the gallery to hear its debates, the House was competent to fulfil that intention directly, without the intervention of a Committee, and he should therefore give a direct negative to the Motion.

The House divided: Ayes 153; Noes 104—Majority 49.

### *List of the* AYES.

Ainsworth, P.
Alsager, Captain
Bagshaw, J.
Barnard, E. G.
Barneby, J.
Beauclerk, Major
Berkeley, Hon. F.
Berkeley, Hon. C.
Bernal, R.
Bewes, T.
Blackburne, J. T.
Blackstone, W. S.
Bodkin, J. J.
Bolling, W.
Borthwick, P.
Bowring, Dr.
Brady, J.
Brodie, W. B.
Brotherton, J.
Browne, Rt. Hon. D.
Bruce, Lord E.
Buckingham, J. S.
Burton, H. P.
Butler, Colonel
Byng, Hon. G.
Callaghan, D.
Campbell, Sir H. P. B.
Canning, Sir S.
Cayley, E.
Charlton, E. L.
Chetwynd, Captain
Chichester, A.
Chichester, J. P. B.
Cole, Viscount
Compton, H. C.
Conyngham, Lord A.
Coote, Sir C.
Corbett, T. G.
Cowper, Hon. W.
Crawford, W.
Crawford, W. S.
Crompton, S.
Denistoun, A.
Dick, Q.
Divett, E.
Dowdeswell, W. E.

Donkin, Sir R. S.
Duncombe, Hon. W.
Dykes, F. L. B.
Edwards, Colonel
Elwes, J. P.
Ewart, W.
Fancourt, Major
Ferguson, G.
Fergusson, R. C.
Fielden, J.
Finn, W. F.
Fitzsimon, C.
Fleetwood, P. H.
Follett, Sir W. W.
Fort, J.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Gisborne, J.
Gladstone, W. E.
Gore, W. O.
Goring, H. D.
Grattan, H.
Gresley, Sir R.
Hallyburton, Hon. J.
Hardy, J.
Harland, W. C.
Harvey, D. W.
Hawkes, T.
Hay, Colonel Leith
Henniker, Lord
Hindley, C.
Hogg, J. W.
Holland, E.
Hope, Hon. J.
Hope, H. T.
Hoskins, K.
Howard, P. H.
Hughes, W. Hughes
Irton, S.
Johnstone, J. J. H.
Jones, W.
Kirk, P.
Lawson, A.
Lefroy, A.
Longfield, R.
Lucas, E.
Lushington, Rt. Hon. S.
Macnamara, Major
Mangles, J.
Maule, Hon. F.
Miles, W.
Molesworth, Sir W.
Mordaunt, Sir J.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, M.
O'Connell, J.
O'Connell, Morgan
Ossulston, Viscount
Oswald, J.
Parker, J.
Parrott, J.
Pease, J.
Pechell, Captain
Penruddocke, J. H.
Perceval, Colonel
Plumptre, J. P.
Plunkett, Hon. R.
Pollington, Viscount
Potter, R.
Poulter, J. S.
Power, J.
Praed, W. M.
Pryme, G.
Reid, Sir J. R.
Ronayne, D.
Rundle, J.
Rushbrook, Colonel
Ryle, J.
Scourfield, W. H.
Sharpe, General
Sheil, R. L.
Sheppard, T.
Sibthorp, Colonel
Steuart, R.
Tancred, W.
Thornely, T.
Trench, Sir Frederick
Trevor, Hon. A.
Tulk, C. A.
Tynte, C. J. K.
Tyrell, Sir J. T.
Vesey, Hon. T.
Vigors, N.
Vyvyan, Sir R. R.
Walpole, Lord
Ward, H. G.
Wason, R.
Westenra, Hon. H. R.
Williams, W.
Wilmot, Sir J. E.
Wilson, H.
Winnington, Captain
Wortley, Hon. J. S.
Young, Sir W. L.
Young, J.

TELLERS.

Berkeley, Hon. G.
Buller, C.

Committee appointed.

**Borough of Stafford.]** Mr. *Williams Wynn* adverted to the continued suspension of the writ for the Borough of Stafford, and said he must remonstrate against the unconstitutional practice of suspending the issue of writs, except under circumstances of a most imperative nature. He did hope that the noble Lord opposite would feel that it was very unfitting that the House of Commons should from time to time put off this proceeding. It was most unjustifiable to suspend the proceeding until near the end of the Session, and thereby not allow the House sufficient time for its due consideration. He was far from imputing any want of attention to the hon. Gentleman who had the management of the Stafford Borough Bill; but he really must complain of the delay.

Mr. *Divett* would be very glad to avail himself of the first open day to proceed with the measure. The writ must of course be suspended as long as there was a chance of passing the Bill.

Sir *Robert Peel* thought it would be better to fix some day positively for the purpose of proceeding with the Bill. As two important subjects were appointed for Monday, the Irish Church Question and the Municipal Corporations Bill, perhaps it would be well to fix Tuesday as the day on which the Stafford Borough Bill should positively come on.

Bill to be brought forward on the Monday following.

**Division Lists.]** Mr. *Harvey* wished to take that opportunity of asking the hon. Member for St. Alban's what progress had been made towards the completion of any plan by which the division of that House might be taken by authority? He was induced to put the question, because many hon. Gentlemen had reason to complain of the irregularity and inaccuracy of the lists which at present went forth to the public; and at the present moment there was no subject in which the public took greater interest. than the manner in which their representatives divided on important and interesting questions. When he said, that Members had reason to complain of the imperfect manner in which the lists were now made out, he alluded particularly to the Motion brought forward by the hon. Member for Ipswich (Mr. Wason) the other night for referring the Great Yarmouth petition to a Select Committee. Those Gentlemen who entered the House only at the sound of a bell, and who took no part in the debate, perhaps had no great reason to complain of any inaccuracy that might occur. But to those hon. Gentlemen who attended a debate of four or five hours duration, the greater part of which, in all probability, had no bearing whatever upon the subject in hand—an attendance which imposed no slight tax upon their time and patience—he thought it was too much, on such occasions, to find that their names were wholly omitted from the list of the division. He (Mr. Harvey) had attended the debate on Tuesday from the beginning to the end; he had been in the House from the commencement of its sitting until the debate upon the Great Yarmouth petition was concluded, and yet he had afterwards the mortification to find that, by some accident or other, his name was wholly omitted from the list of the division. Under these circumstances, he trusted that the hon. Member for St. Alban's, who had brought forward a Motion upon the subject, would not relax in his exertions to bring forward some specific plan by which an inconvenience of which all had reason to complain, might speedily be removed.

Mr. *Ward* begged to remind the hon. Gentleman that he (Mr. Ward) had for some time past left the matter entirely in the hands of the right hon. the Chancellor of the Exchequer. He had applied to that right hon. Gentleman upon the subject the other day, and was informed that the right hon. Gentleman had prepared an estimate which it would shortly be in his power to lay upon the Table of the House.

CORPORATION REFORM.—COMMITTEE.] On the question that the Order of the Day for the House resolving itself into Committee on this Bill,

Sir *Frederick Trench* rose to direct the attention of the House to certain observations attributed to an hon. Member whom he saw opposite (Mr. Cayley), and which if really uttered by that hon. Member, amounted in his (Sir F. Trench's) estimation, to an abuse of the privilege of speech allowed to all Members of the House within the walls of the House. The observations to which he alluded were made about a week since, and had reference to the borough of Scarborough, of which he (Sir F. Trench) had the honour to be the representative. They were couched in these terms: "Before going into Committee on the Municipal Reform Bill, he (Mr. Cayley) begged to call the attention of his noble Friend below him to the circumstance of the existing Corporations having, since the introduction of this Bill, entered upon the practice of letting out Corporate lands, and other property, on long leases; of course on advantageous terms, and for which, one day or another, they would have an equivalent, at the expense of the interests of their trust. One instance of this kind he had heard of as taking place in his own constituency, namely, the borough of Scarborough, where he understood that they had never been in the habit of leasing out the Corporate property. He had heard this on very good authority; and if it were true, it demanded the immediate interposition of the House, in order to render null and void any bargains of this nature. It appeared to him a gross contempt of the proceedings of this House, and he hoped his noble Friend would not fail to institute a remedy." Now he was prepared to assert that the whole of that statement was utterly and entirely unfounded; and if the hon. Gentleman to whom it was attributed had taken the trouble, which every man who ventured to make such a statement was bound to take of first ascertaining the accuracy of the information upon which his observations were founded, he would have seen.—[The Speaker intimated that the hon. Member was out of order.] He was lways ready to bow with deference to the suggestions or decisions of the Chair. He would not say another word on the point to which the Speaker had referred; but in justice to the body which he had the honour of representing, he must beg to be allowed to make a short quotation from the Report of the Corporation Commissioners. Speaking of the Corporation of Scarborough they said "upon an examination of all the circumstances, it appears to us that the transaction was not to be impeached;" and yet, in the face of that declaration on the part of the Commissioners, the hon. Gentleman opposite presumed to make use of language stigmatising a body of honourable men who were as incapable of improperly applying public funds intrusted to their charge as the hon. Gentleman himself. He maintained that no Member of Parliament ought to presume to abuse his privilege of speech in that House in order to throw out utterly unfounded insinuations against individuals. The hon. Gentleman before he brought the subject forward, ought to have read the Report of the Commissioners, and ought to have made inquiries of certain parties before he presumed to pronounce what he (Sir F. Trench) considered a libel in that House. He had thus expressed boldly and freely, he hoped not discourteously, the opinions which he entertained upon the subject. He left it to the hon. Gentleman to refute them if he could.

Mr. *Cayley* rose and said, he certainly was under some misapprehension when he made the statement to which the hon. Gentleman had referred, for he had since understood, from the best authority, that instead of one case of the kind he had described having taken place, a great many instances of a similar character had occurred.

Mr. *William Duncombe* thought that hon. Gentlemen should be very careful how they made statements upon the representation of defeated, and consequently, disappointed parties. It appeared to him that his hon. Colleague (Mr. Cayley) ought in common fairness, before he read extracts from a private letter, which for aught the House knew might be anonymous, to explain the grounds on which he made his statement. He thought that his gallant Friend (Sir F. Trench) had expressed only a natural warmth at the manner in which his constituents had been attacked; and from all he had heard upon the subject he very much doubted whether it would be in the power of his hon. Colleague (Mr. Cayley)to prove the charges he had brought forward. At all events the House ought to pause before it lent its attention to such *ex parte* statements.

Mr. *Cayley* begged to state that the letter he had received was from an association composed of part of the electors of Scarborough.

Mr. *William Duncombe*: If that association had any think to lay before Parliament it ought to have been in the form of a petition.

Order of the Day read.

Lord *John Russell* said, that in moving that the Bill be then recommitted, it was not his intention to go into any of the details of it. All that he wished to state was, that the recommittal of the Bill would afford a more convenient opportunity of introducing the Amendments of which notice had been given, than could possibly occur in the bringing up of the Report. He trusted, therefore, that those hon. Gentlemen who had given notice of Motions on the bringing up the Report would bring them forward in Committee; or, if not prepared to take that course, would allow the Report to be received and bring them forward on the third reading. Upon that understanding he would move that the Bill be recommitted.

The House resolved itself into a Committee.

In the 6th Clause, which enacts that occupiers of houses and shops rated for three years to the relief of the poor shall be entitled to be enrolled as burgesses, if resident householders within seven miles; but to which this proviso is attached, "provided that no person shall be so enrolled in any year who, within twelve calendar months next before the said last day of August, shall have received parochial relief or other alms, or other pension or charitable allowance from any fund intrusted to the charitable trustees of such borough."

Mr. *Hughes* proposed to insert certain words to prevent the extension of the disqualification to persons who might have received money from charitable funds by way of loan. It was not just that persons who might receive assistance in that way should be regarded as paupers.

The *Attorney-General* did not think the insertion of the words proposed by the hon. Member at all necessary, because, as the Clause then stood, a loan of money would not be considered in the nature of a charitable allowance.

Amendment negatived without a division and Clause agreed to.

Mr. *Borthwick* said he had been anticipated by the hon. Member for Oxford; for it had been his intention to move an Amendment on the 6th Clause. [*"Go on, go on.!"*] He begged to move then, that from line one in Clause 6 the word "male" be omitted. The House would see that his object was to qualify the ladies to vote for members of the Town Council. In Bath for instance, ladies who were householders had the right of voting in vestry. The Commissioners who appointed the police were nominated by the vestry. The Clause, therefore, as it now stood, would deprive those ladies of the right they had hitherto exercised. He hoped the noble Lord would, as a point of gallantry, agree to the Amendment.

The Committee divided on the Amendment, Ayes 69; Noes 135; Majority 66.

On the 11th Clause, which provides that no new burgesses be admitted, who are not qualified under this Act,

Mr. *Praed* rose, to bring forward the Motion of which he had given notice, relative to the continuance to the present freemen of their Parliamentary rights. Since the last occasion on which he had brought forward this Question, he had thought that it would be highly desirable to divest the Question of the difficulties arising from the technical manner in which he proposed to carry the principle into practice, and to lay before the House, in order that they might come to a direct vote upon the subject, the broad and important proposition, whether or not they would diminish the constituency of the country, and take away from any body of individuals those rights which all had conceived to be granted and secured to them by the result of the discussions on the Reform Act. When in the Committee upon this Bill he found that the Amendment he proposed was so strongly objected to, on the score of technical difficulties, he regretted that he had inserted in his Amendment anything beyond the simple principle he had just referred to; and he now trusted that, if the manner in which he proposed to obviate the difficulties which had been started should appear inconvenient or ineffectual, such a circumstance would not weigh with any hon. Member whose opinion it was that the rights which by the Reform Bill were granted to certain bodies should be continued to them, notwithstanding this alteration in Municipal Corporations, and that it was not desirable to diminish the constituency of the country, or, at all events, if it were desirable to diminish the constituency, that it was not desirable to strike off from that constituency the whole of the poorer classes. The noble Lord on the opposite bench had, indeed told them, that although he had agreed to leave these rights untouched by the Reform Act, yet he by no means pledged himself to make no alteration of such rights or privileges in consequence of a change in the constitution of Municipal Corporations; but the argument on which hon. Gentlemen on his (Mr. Praed's) side of the House rested their case was, that, by the Reform Act, a right of voting for Members was given to the freemen and their successors in Corporate towns, and that it was neither just nor expedient to take away that right, and thus indirectly to set aside a most important principle. If it should be said, "Oh, but this is only a personal right," his reply was, "You cannot defend such an abstraction of the right of these freemen, because that right is founded upon the principle freely admitted during the discussions on the Reform Act, viz., that rights of this nature should be preserved in perpetuity, and that it was desirable not to confine the Parliamentary suffrage to one class of voters, but to extend it to different classes—to the 10*l.* householders—to others as a personal right—and to certain persons who were taken from ranks poorer than those which the Reform Act contemplated as fit to exercise the right of voting. It was now proposed not merely to meddle with any provision of the Reform Act in letter, but altogether to change a very prominent principle of that Act. There was now, however, a very urgent call among the people, for an extension of the Parliamentary constituency, and for taking the qualification at a much lower amount. And in such a time, he asked, would they, in a Bill having no reference whatever to the constituency of the country, instead of extending, insert a provision to diminish that constituency, and, instead of taking a lower qualification, insert a provision which, in point of fact established a qualification much higher than that laid down by the Reform Act? If they did that, who would be hardy enough to deny that the Reform Act in its practical operation would be materially affected, and who would not remember that by all his Majesty's Ministers, in various discussions, such a result had been most earnestly deprecated? He called upon the noble Lord fairly and openly to inform the House, for what reason he wanted them to make so important a change in the constituency of the country. In the preamble there was a general accusation, but he submitted that it was not fair nor becoming the Legislature to throw out against the freemen and their morality vague and general charges, unsupported by any evidence whatever. Was it just to make charges in such a manner that the freemen were not called upon to defend their character, but only to protect and preserve their rights? In the first place, they were told, that there were difficulties of machinery which rendered it inexpedient to preserve these rights. What were these difficulties? Why, it was urged that there was to be only one burgess roll for all municipal purposes, and that if these rights were continued there would then be this insuperable difficulty—there must be another burgess roll. But, really, was the practical difficulty so great as represented—was it really impossible to vest the registration of these rights in the same hands in which by the Reform Bill it was vested? In a matter of such expediency, and such indisputable justice, was the difficulty so enormous that the great legal capacity which the Government had on the Treasury bench was incapable of grappling with it. But, in point of fact, were there not at present two burgess rolls? His proposal was that they should give to the Mayor, the Town Clerk, and the Council of the Corporations, to be established by this Bill, the power of doing that which might be done at present by the Mayor of a Corporation with a view to the continuance or bestowal of the right of voting for Members of Parliament to which individuals were already entitled as burgesses, or to which they would, under the provisions of the Reform Act, become entitled on being qualified and enrolled as burgesses. But, passing over all technical difficulties, he now laid before the House the simple proposition, whether the freemen and their successors in perpetuity should be disfranchised merely because some freemen had abused that privilege, and because one of his Majesty's legal advisers had thought fit to assert, that the freemen had been the curse of the Constitution? This was high and learned authority; but upon that alone would the House determine to take from so numerous a body of individuals a privilege so prized and so important? Certainly it would have been more becoming on the part of his Majesty's Attorney-General if he had been equally bold to make such an assertion in that House when the noble Lord in whose hands the Reform Bill was placed, stated his intention to perpetuate the rights of these freemen. It would have been more satisfactory to the country, if that high authority had then stood up and proclaimed, that to perpetuate the rights of such men was to perpetuate the rights of those who had been a curse to their country. But as the hon. and learned Gentleman did not then make that declaration, he should call upon him to bring forward the new grounds, and the facts recently brought under his notice, which induced him to call for the disfranchisement of those whose rights had been preserved by the Reform Act. He (Mr. Praed) was not aware of any new case, except that of the borough of Stafford. In the Report of the Committee upon the Stafford election he found some comparison between the relative purity of the class of voters established by the Reform Bill and that class which the Reform Bill did not establish—he meant the 10*l.* householders, and the old freemen. The latter class, it should be recollected, was lower in point of qualification, and, therefore, more open to corruption, than the 10*l.* householders. Now, what were the facts which the Committee who investigated the circumstances attending the Stafford election presented to the consideration of the House? Why, that out of 1,049 voters, 852 were paid. Out of the 1,049 voters, there were only 166 burgesses, all the others being 10*l.* householders; and out of these 166 burgesses, 109 were paid, forty-two were no paid, and fifteen did not vote at all. The constituency thus exhibited in the comparison with the freemen was the creation of the Reform Act, and the election at which they thus early displayed their facility of corruption was the very first which took place after the passing of that Act. This was the only new case which had happened since the Reform Act was passed, and it must be admitted that the comparison between the householders and the freemen was by no means advantageous for the former. Where, then, must they collect the facts to justify the disqualification of the freemen? The learned Attorney-General might still refer to the case of Stafford, but if he did he hoped the memorable answer of his own agent would not slip from his memory. "Are there, in your opinion, 200 voters free from any suspicion of corruption?" was the question; and the ready answer of the hon. and learned Gentleman's agent was, "There may be, but it would be difficult to pick them out. I judge in this way: 556 voters polled for us, and I paid 551." The Attorney-General might, indeed, argue upon this, that his voters were all pure and honourable men, and then add, as a demonstrative proof, that they were paid 3*l.* a head. But, after such a case, was it not a mockery to make a preference of the 10*l.* householders to the freemen? The householders might not be as poor, and therefore not so directly exposed to temptation as the freemen, but still they might be as corrupt, having self-interested motives, although of a different kind, and requiring bribes, although of a much larger amount. There was one observation, in regard to the difference between the two qualifications, which in his opinion was well entitled to attention. They had Committees then sitting to consider the best means of preventing bribery and intimidation at elections, and he thought they might take into consideration that, while both householders and freemen were exposed to bribery, they were not equally exposed to intimidation. The householder, if he displeased his landlord, might be turned out of his House and thereby be deprived of his vote, while the freeman, if he displeased his employer, might certainly be deprived of his employment, but could not be deprived of his vote, which attached to his person. Therefore the householder was not safe either against intimidation or bribery, whilst the freemen, though exposed to the latter, was secure against the former. With regard to the operation of this unjust disqualification, he would rest that part of the question on the effect it would have upon the constituency of London. There were many individuals who in a year's time would be qualified to exercise the privilege of voting, and by this Bill they would have snatched from them the right to which they might be anxiously looking forward. There were many persons whose rights were not only inchoate but complete—persons who had served the appointed time, and were waiting only to be formally enrolled. Look at the mariners engaged in the India and South American trade, and in the South-Sea fisheries. Was it just to men who had thus served out their time, and from whom the Common-law could not withhold the right, to deprive them of that right because they happened not to be enrolled before a certain period? This was a fair illustration of the cases of hardship which this disqualifying provision would cause. But he would put the question on far higher grounds—on the injury to the constituency of the country, and the dissatisfaction of the public. There was a strong and growing feeling among the poorer classes that their rights were not by the Legislature properly attended to. For himself, he was sure that the House did not intentionally neglect their interests, nor could it be fairly accused of any want of feeling for the humbler ranks of society; but he was also sure that many things were done by that House which to the lower classes appeared, as against them, harsh and unjust. Such being their feeling, was it desirable to pass a sweeping enactment which deprived the poorer classes of the important privilege now vested in them? These were the considerations on which he called upon the House to vote for a principle which was founded upon manifest justice and obvious expediency. The hon. Member concluded by moving the insertion of the following proviso:—"Provided always, and be it enacted, that in every borough, whether the same be a county of itself or not, where the right to vote in the election of Members or a Member to serve in Parliament for such borough is, according to the laws now in force, enjoyed by persons entitled to vote in virtue of some Corporate right, nothing whatsoever in this Act contained, shall in anywise hinder or prevent any person or persons who now enjoy, or who hereafter, according to the laws now in force, might have acquired such Corporate right, from enjoying or acquiring such Corporate right for the purpose of voting in such elections."

Colonel *Sibthorpe* supported the Motion. He could shew by the speeches of Earl Grey and Lord Althorp that it was intended by them to preserve in perpetuity the Parliamentary rights of the then freemen and their successors. He must allude to the grants of enormous Ecclesiastical property, which in the reign of Henry the 8th were made to the family of the noble Lord opposite. When he looked to those grants, and recollected that, by them, men originally of obscure and a humble walk in life had risen to the highest stations in the State, when he knew that to those grants the noble Lord himself was chiefly indebted for his present commanding station, and when he looked to those grants which had originally been made to humble individuals and which were now possessed by individuals as humble—he meant the grants of freedom and the concomitant privileges—he could hardly bring himself to credit that a member of a family raised to wealth and eminence by the robbery of Ecclesiastical property could dare to propose the abolition of grants possessed by his less fortunate fellow-subjects, and originally given for meritorious acts of service. Reasonable, indeed, would be the upbraidings of the rich by the poor if the poor man was thus to be robbed of his little grant by the rich man, who held his own grant in safety from all invasion, however less entitled to protection. He felt it his bounden duty to support the Amendment.

Mr. *Robinson* said, the question appeared to him to be this—whether or not, for the purpose of improving the Municipal Corporations of the country, it was necessary to deprive of the Parliamentary franchise men in whom it was continued by the Reform Act? Such was the question, but he begged to ask the noble Lord how it was, that in a Committee upon the Municipal Corporations Bill they were discussing the provisions of the Reform Act? What had the present Bill to do with the Parliamentary franchise. On Motions for the vote by Ballot and Triennial Parliaments Ministers had invariably said, "We can agree to no new proposition, for this reason—the Reform Act was final." And yet the noble Lord advocated so extensive an alteration of the Reform Act as was contained in this Municipal Bill. In supporting the interests of the freemen he had no personal interest to serve, the freemen in his town being uncorrupted, and having, without either bribe or intimidation, supported or opposed him. He was ready to grant that there was a class of freemen under the old system who were accessible to corruption; but as that could not be the case under the new system, when the voter was obliged to exercise his franchise under the eyes of his fellow-townsmen, he submitted that the proposition of the noble Lord's Bill was an unjust one. For his part he could not see any necessity for depriving the freemen of the Parliamentary franchise, and he called upon his Majesty's Attorney-General, upon the noble Lord, and upon every Member of the King's Government to explain to the House what it was that had caused the change which had taken place in their opinions in this respect since the passing of the Reform Act. In 1832, the hon. and learned Gentleman, the noble Lord, and several other hon. Members opposite, who at that time held office under the Crown, were in favour of retaining the Parliamentary franchise, so far, at least, as the rights of freemen were concerned; and what was it, he should like to know, that had caused so extraordinary a change in their sentiments. Was it that they found it convenient at that time to make a compromise to facilitate the passing of the Reform Bill, which they intended to depart from the instant, he might almost say, that measure had become a law? He should like to know whether the noble Lord would now say, that the taking away a right, which he had not only guaranteed, but induced parties to believe was to be permanently secured to them, was either consistent, fitting, becoming, or even decent? How could the noble Lord defend anything so apparently destitute of all honesty as the conduct of the Government in the present instance seemed to be? They concealed their real intentions while they had an object to gain, but the moment they had got all they wanted, what did they do?—why, they turned round upon those who confided in them, and sought to take from freemen rights which they assured them should be protected and continued. Now, he must say, that he hoped, for the sake of public consistency, for the sake of the character of that House, for the sake of those men who had been thus deluded, that the Committee would deal as tenderly with the privileges of the poor as they would do where the rights of the superior classes were concerned. As to himself, he must say, that the propositition of the hon. and learned Gentleman the Member for Yarmouth should have his hearty support.

Lord *John Russell* would not enter at length into the subject of the Amendment, having on a former occasion stated his reasons for refusing his assent to the proposition. He would state drily and simply what he took to be the natural consequences of the plan, without any attempt at that kind of beautiful declamation and pretended sympathy for the rights of the poor which had been to-night poured forth with a degree of gratuitous kindness as singular as it was unnecessary. Those who thought that the poor did not possess sufficient influence in the election of Members of that House, should support the Motion of the hon. Member for Southwark (of which he was far from approving) for household suffrage, because then, with all the advantages of conferring the franchise upon the humbler classes, we should not have the constituencies so liable to bribery and corruption as when the right of voting was given to small and separate bodies of the poor. The hon. Member for Worcester asked "Why interfere with the Parliamentary franchise in a Bill for Corporate Reform? His answer was, that they did not interfere with it by any such provision as the hon. Member supposed. Ministers brought in a Bill to establish good Municipal Government, and with that view, instead of the rights of freedom now arising out of birth, apprenticeship, &c., they proposed to establish a new and different right, in consequence of which, after a certain time, freemen, according to the old system, would no longer exist, and there would be no persons so qualified to exercise the privilege which those freemen had enjoyed. There were three modes of adjusting the question—first, (that which had been adopted), by saying there should be one right of voting for corporate bodies under the present Bill, and another and a different right in conformity with another act, by which persons were qualified to vote for Members of Parliament. By adopting this method, we established a good body of electors for corporate purposes, and also obtained a good body of voters for Members of Parliament. There was another mode of proceeding on the principle, that the new burgesses created by the present Bill should also have a right of voting in elections of Members of Parliament concurrently with the 10*l.* householders. He did not deny that this would be a logical and consistent proposition, and his only way of meeting it would be by declaring that he did not think it would be advisable, as a matter of policy and expediency, to give the right of electing Members of Parliament to the new burgesses, which would be to merge the 10*l.* franchise in that right. Then came the proposition of the hon. and learned Member for Great Yarmouth, which was at variance with all notions of policy and simplicity. The hon. and learned Gentleman did not say that the new burgesses should elect Members of Parliament concurrently with the 10*l.* householders; but he said that he would create and perpetuate a third body, singularly constructed and most anomalously retained, which in its nature and functions should be partly Municipal and partly Parliamentary, its Members not being persons in whose hands alone we could think it right to place the Parliamentary franchise, and whom by the present Bill we considered it necessary to deprive of the corporate franchise. These men were to enjoy corporate rights—why? In order that they might vote for Members of Parliament. Nothing could be more anomalous than this proposition—nothing more inconsistent with general right and the principles of constitutional law; but supposing the objection arising out of the anomalous nature of the proposition abandoned, the question arose—was there any thing so peculiar in the nature of those bodies of freemen, or in the rights which they possessed, as to induce the House to retain and perpetuate them? He knew of nothing of the kind. If this had been simply a question of altering the constituency fixed by the Reform Bill, though he thought the freemen as a body more liable to corruption than other classes of voters, he would have been for retaining them; but now that they were constructing a new corporate right, with a view to the better Government of towns, it was necessary to remodel the body. He supported the Clause as it stood, which enacted nothing as respected elections of Members of Parliament, and he must vote against any special provision on that subject, as being exceedingly unadvisable in the present Bill, and wholly unjustified by the dictates of public policy and expediency.

Sir *Robert Peel* said, that the noble Lord having commenced his speech by promising to argue the question, not only briefly, but drily, he thought the noble Lord meant not to draw upon his imagination, but to adhere to facts. However, when he found the noble Lord asserting that this measure did not alter the Reform Act, and that it had nothing to do with the election of Members of Parliament, he thought the noble Lord was not proceeding quite so drily as he promised, but that he had drawn largely upon his fancy, and been guilty of as great a sophism as was ever committed. What he complained of was, that the noble Lord did not undertake to alter the Reform Act explicitly and avowedly, as, if he believed it to require alteration, he ought to have done, but the noble Lord proceeded indirectly to effect his purpose. If the noble Lord believed that bribery existed generally among the lower class of freemen, and could support his opinion by proof, let him come forward, and on that ground manfully and avowedly deprive the freemen of their right of voting for members of Parliament. But the noble Lord did not take that course, though in the course which he pursued he covertly interfered with the provisions of an act which the country had been taught by the noble Lord himself to consider a final settlement. The noble Lord admitted that he did make use of that expression when he consented to "perpetuate" the rights of the freemen, a phrase which dropped from the noble Lord in the unsuspecting candour of his nature. A fine notion of perpetuity! Since this final measure a period of three years had elapsed, and now the noble Lord came forward to destroy the right which he admitted he intended to perpetuate. Just see in what manner the right of freemen to vote for Members of Parliament was finally confirmed by the Reform Bill. But first, in reference to the statement that this was a compromise, a step of submission taken to induce the Lords to agree to the measure, and one which therefore ought not to be persisted in; he must say that this was a bad, not to say dishonest, argument. If the House of Commons did procure the consent of the other House of Parliament to the Reform Bill by preserving the rights of freemen, to recede from that stipulation was not the way to procure the consent of the Lords a second time within three years. He knew that there was nothing in the Reform Act to fetter the Legislature, but he contended that it was the duty of the Government, if they ultimately intended to alter the right of voting possessed by freemen, to avow that they did not mean to "perpetuate" that privilege, but to propose an alteration in it on introducing a bill for the regulation of Municipal Corporations. "You did not take this course —you left the House of Lords, the country, and the entire body of freemen, under the impression that this was an acknowledgement and perpetuation of their right, which had received a new sanction and greater force from that Reform Act of which you boasted as the second charter of our liberties." What were the expressions posted up in every village—"The Reform Bill, the whole bill, and nothing but the bill." How was this announcement adhered to? He had always prophesied at the moment when his friends professed their desire to accept the Reform Bill as our constitutional charter, and not only to accept, but abide by it, that any proposal for its modification was much more likely to come from the authors of the measure than from its opponents; and that the first provision to be modified would be one supposed peculiarly to affect the interests of the party in power. Look at the progress of the Reform Bill and its enactments as they regarded the privileges of the freemen. At first, the only right protected was that of freemen having an existing right to vote in elections of Members of Parliament at the passing of the Bill. The Bill, as amended, provided that the children of freemen living at that period, and apprentices who were then bound, should acquire and retain the right of voting during their lives. See how the bill went on, without any hostile attack on the original Clause, improving in this respect, as if by the growing goodwill of the Government towards the freemen, first admitting existing rights, and then including in its provisions inchoate rights. This was not all; the Bill was further altered in committee, the noble Lord exhibiting that degree of deference to the fair sex in the alteration which he feared both the noble Lord and himself might be charged with neglecting in consequence of their vote of to-night. In the third edition of the Reform Bill of 1831 the noble Lord gave the franchise to persons who might marry the widows or daughters of freemen. The Bill, thus amended, was sent up to the Lords by whom it was rejected on the second reading. A new Reform Bill was introduced by the noble Lord on the 12th of December, 1831, the first having been rejected in the House of Peers, as he before said, on the second reading, on the general principle, and not with any special reference to its mode of dealing with the rights of freemen. A clause was voluntarily introduced in the new Bill on which the noble Lord congratulated himself exceedingly. By this Clause the rights of freemen were preserved in perpetuity, subject to one or two exceptions, such as that no honorary freeman should have the right of voting, &c. The words of the Clause were as follow:—"That every person who would have been entitled to vote in the election of a Member or Members to serve in any future Parliament for any city or borough not included in the schedule marked (A) to this act annexed, either as a burgess or freeman, or in the city of London as a freeman and liveryman, if this Act had not been passed, shall be entitled to vote in such election, provided such person shall be duly registered according to the provisions hereinafter contained. Provided always, that no person who shall have been elected, made, or admitted a burgess or freeman since the 1st day of March, 1831, otherwise than in respect of birth or servitude, or who shall hereafter be elected, made, or admitted a burgess or freeman, otherwise than in respect of birth or servitude, shall be entitled to vote as such in any such election for any city or borough as aforesaid, or to be so registered as aforesaid; provided also, that no person shall be so entitled as a burgess or freeman in respect of birth unless his right be originally derived from or through some person who was a burgess or freeman, or entitled to be admitted a burgess or freeman, previously to the 1st day of March in the year 1831, or from or through some person who since that time shall have become or shall hereafter become a burgess or freeman in respect of servitude." Did not the whole of this proceeding—the gradual admission and extension of the privileges of freemen—nay, the very exceptions and exclusions adopted, give an appearance of finality and permanence to the measure? If the arrangement had been merely temporary, why did the noble Lord except honorary freemen, or those who might acquire a right of freedom subsequently to March 1st, 1831? Did not those exceptions show that the noble Lord intended the Bill to be a final measure, and that by connecting the right of voting with residence and registration he had taken security against bribery and corruption among non-resident freemen, who were thought most liable to suspicion, and who, having no local interest in boroughs where they did not live, made elections a sort of holyday, or prolonged

Saturnalia—a practice leading to indefinite expense, which it was thought right to limit? Did not the fact of these exceptions and securities, he asked, prove that the arrangement finally proposed by the noble Lord was not meant as a temporary or provisional arrangement. These rights being so confirmed to the freeman by the Reform Act, it did tend to destroy all confidence in that "final settlement" when the House found the noble Lord proceeding, not by a direct and open attack but by sap and mine, to assail and take away privileges which had existed by long prescription, and which were confirmed by the recent enactment of 1831. It shook his confidence in the permanency of our second charter when within three years, he saw so important a branch as this lopped off under the pretence of Municipal Reform. The noble Lord talked of hearing eloquent declamations and great pretensions of false sympathy for the rights of the poor on the Opposition side of the House. For his part he pretended to no false sympathy for the poor, and did not mean to offer any declamation in favour of extending the franchise to the humbler classes, for if it were proposed to enlarge the right of voting for Members of Parliament by taking in the municipal voters created under this Bill, he would oppose it. But let the noble Lord recollect that the House was not now inquiring on theoretical and speculative principles, as to what might constitute a good right of voting, but it was dealing with a franchise which it found existing by long prescription, and solemnly confirmed by the noble Lord's final measure and conclusive settlement of the Reform Act. If therefore he now attempted to continue that right, it did not arise from any desire to indulge in vain declamations about the privileges of the poor but from a wish to maintain that good faith which he thought pledged to the "perpetuation" of the franchise. If the House proceeded against the freemen on the ground of bribery and corruption, in justice to those men it ought first to establish the existence of corruption before attempting to punish them. It was not fair, on a general and vague presumption of bad repute, to destroy their rights. He admitted cases had been proved of freemen abusing their franchise and taking bribes, but if the argument built on that ground were good for destroying the rights of freemen, it was also good for destroying elective rights much more extensively. The case of Stafford had been referred to, and if in that or any other instance it was proved that the practice of bribery was inveterate, and the voters irreclaimable, he would be willing to punish them. But were no other parties liable to the charge of corruption except the freemen? Was it not notorious that the 10*l.* householders of the borough of Stafford were subject to the imputation of bribery? He could add another case in which proof of bribery was clearly brought home to the electors. He referred to the election at Liverpool in 1830. It might be said that in this case it was the freemen of Liverpool who were bribed. They were—but was the bribery confined to freemen who were not also 10*l.* householders? and who bribed them? Here was the evidence of Mr. W. Miers, a merchant of Liverpool, who acted as president on Mr. Ewart's side, assisted by Mr. Thornely and Mr. Harvey. That gentleman stated, that he paid away large sums in bank-notes to voters—of what class?—poor freemen? no; but persons in respectable situations in life. The witness gave the names and occupations of some of those parties. 50*l.* was the highest price paid for a vote—it was given to a retired brewer. A captain of militia received 30*l.* or 35*l.*, witness was not sure which, but he recollected giving this voter a certain sum, and that, discontented with the amount, the captain returned and obliged him to give 10*l.* more. Three brothers, named Howard, "very respectable men," got 10*l.* a-piece. A ship-carpenter, with whom the witness frequently had dealings, and who was also "a respectable man," got 12*l.*, but he came early in the day. He was worth 8,000*l.* or 10,000*l.*—"a very respectable gentleman." When asked whether the higher or lower class of voters received most in bribes, the witness replied that he thought the middling class got the most, because they kept off. Witness could not specify the total expense of the contest of 1830; he did not know what other individuals might have paid, he could only say what he had disbursed himself, and he thought that about 34,000*l.* had passed through his hands. Now, he (Sir R. Peel) dared to say, that in the distribution of this 34,000*l.* the lower class of voters did participate, but it was equally clear that the higher class, 10*l.* householders and persons occupying premises of considerably greater value, did also share in the bribery, and their crime was infinitely greater. Such cases as those of the man of substance who accepted 12*l.* and the captain who came back for an additional 10*l.* were of a much more aggravated nature than any corruption among the humbler voters. He had a right to say, without any attempt at eloquent declamation, that poverty was not in itself a conclusive proof of a disposition to be bribed, and therefore that you ought not to act on a general assumption of the guilt of the humbler class of voters, but should have proofs of corruption before you inflicted upon them such a penalty as the present. One word as to the general principle: he said at once and explicitly, that he was averse to extending the elective franchise, on the ground stated on the other side of the house, because to introduce constant changes in the franchise and mode of electing members of Parliament, was to unsettle the minds of the people for no good end. On that ground Lord Althorp refused to vote for the ballot when the question was brought forward by the hon, Member for London. The noble Lord said he had been a party to what he considered a great constitutional settlement, which had not as yet been sufficiently tried, and that on that ground, although his opinion was in favour of the ballot, and had been so expressed, he felt bound to reject the proposition, because the Reform Bill had not received a fair trial. If that was a good argument against the introduction of the ballot, how much more strongly could it be urged against any alteration in the elective franchise. Now a word as to the general policy of the measure. He would not consent to make the electoral franchise co-extensive with the burgess franchise; but finding the electoral franchise of freemen in existence, he would maintain it because, for one reason, he thought it an advantage not to have one uniform dead level of franchise prevailing throughout the country. He would not extend the electoral franchise of freemen beyond its present limits; indeed, he would willingly admit that he did not think the franchise good in itself, or that, arguing *à priori*, he would propose to establish it for the first time; but finding it established and confirmed under the Reform Act, he would not consent to abolish it. Nor did he hesitate to avow, notwithstanding the taunts which the noble Lord had thought it becoming to indulge in, that he was not sorry to see some modified connexion between the working classes and the constitution of the House of Commons. He was not sorry to see those who did not happen to be householders possess to a certain extent a voice in the choice of representatives. He was not indisposed to think that the right of voting acquired by persons who served an apprenticeship of seven years was equally entitled to protection with that which a man acquired by living three years in a town and paying the burgh rates. As if, however, to aggravate the disappointment and mortification of the freemen, the old franchise was destroyed by the same Act which created the new one. The noble Lord was not content with the 10*l.* franchise in this new Act. He assumed that that qualification was not necessary for the exercise of the municipal franchise. Under the provisions of the Bill a person who had no connexion with a borough, whose rates might be paid by his landlord, who might live in a different part of the country, was assumed to have such an interest in the municipal government of the town as entitled him to vote for Members of the Council, whilst it was held that a person who had acquired his freedom by servitude could have no such interest. It appeared to him that a servitude for the period of seven years was as good a test of character as a residence of three years in a town, and as the capital of a man in that condition of life consisted not in money, but in acquired skill, it supplied also, he thought, as good a test of solvency as the payment of rates for three years. He disregarded the anomaly of having the Parliamentary franchise different from the corporate franchise; but at all events, the noble Lord was not entitled to urge that as a reason for passing the present Clause, because he himself had created it. On the grounds which he had stated, wishing to preserve the existing modified connexion between the working classes and that House, being at the same time prepared to punish the freemen if a case of guilt could be established against them; but above all, because Parliament and the country had been taught to believe that the Reform Bill was a final settlement of a great constitutional question, he could not consent to make the important alteration which the noble Lord proposed, and therefore he would give his vote against the mutilation of the Reform Act.

Captain *Grantley Berkely* felt it would be presumptuous in him to detain the House after the eloquent address of the right hon. Baronet; but as he had been alluded to he would take the liberty of saying a few words in favour of those by whom he was returned. Until some case had been made out against them he did not think it fair to deprive the freemen of a right which they had so long enjoyed, and which had been so recently confirmed to them by the Reform Act. Expediency had been made the argument; but in the Irish Church Bill, though the same principle of expediency was acknowledged, they only proceeded to the extent of equalising the duties to be performed. Now, they had no more right on the plea of expediency to meddle with the rights of freemen than they had to interfere with those of the clergy. It was made a matter of complaint that freemen were easily bribed, and that they were instruments in the hands of corporate bodies for political purposes. Now, it was not the poor freemen but the gentry of the surrounding districts who were available as political partisans. For himself he was consistent in his conduct as regarded both Bills, for in the discussion on both he had advocated the rights of freemen, and he had since seen no reason to alter his opinions.

Mr. *Arthur Trevor* then rose amidst loud cries of "Question," frequently repeated. The hon. Gentleman assured the House that he was not to be put down by clamour, and proceeded to say, that he could not congratulate the noble Lord (Lord John Russell) on his answer to the able speech of the hon. Member for Yarmouth. It would go forth to the country that the reason for declaring the preservation of the rights of freemen in perpetuity by the Reform Bill was for the purpose of facilitating the passing of that Bill in another place. This certainly could not be looked upon as a fair and statesmanlike reason for such a proceeding. The Attorney-General said that the freemen were three-fourths of their time in gaol. There was a period when the hon. and learned Gentleman would have hesitated before he made such an assertion on the hustings at Stafford. He appealed to his gallant Friend below him, to whom he had succeeded in the representation of Durham, to say whether he had not found the freemen of that place steady and true to principle, and whether he had ever given them a bribe? If, as the Attorney-General had said, the freemen were three-fourths of their time in gaol, were they the instruments which a Government should make use of to obtain a political object? And when that object was effected, was it fair to endeavour to get rid of the instrument—not by open, constitutional, and statesmanlike means, but by a side wind, disgraceful to a British Minister? He knew enough of public men not to be much surprised at their proceedings, but he confessed he was not prepared to find a Government professing to defend the civil rights of the community proceeding with a measure more arbitrary, more unjust, and more uncalled for than any other in Parliamentary annals. Why not, as the right hon. Baronet the Member for Tamworth suggested—why not, if they deemed the Reform Bill defective, openly and fairly propose a measure of amendment, and not thus come in with a side wind at once unstatesmanlike and unmanly. How could a Government which proceeded thus hope to conciliate the good opinion of the country? If the public sanctioned this gross breach of faith, England must be much altered.

Mr. *Poulett Thomson* said, that since the question was last debated he had heard no new arguments adduced against the proposition contained in the Resolution before the Committee, for although the right hon. Baronet, the Member for Tamworth, had that night come into the field he must own that there was nothing in his speech. The right hon. Baronet had accused his noble Friend the Member for Stroud, with having dealt in sophistry; but the right hon. Baronet himself had, in his (Mr. Thomson's) opinion, proved himself a master of that art. The right hon. Baronet had carefully abstained from touching upon the real merits of the case. In the course of his speech the right hon. Baronet dwelt much upon what he considered to be the sanction which the Reform Act gave to the rights of the freemen; but upon that point it was unnecessary for him to interfere with the right hon. Baronet. He said it was unnecessary to do so, because if he were to concede the right hon. Baronet's argument to the full extent, upon that point it did not touch the case. The right hon. Baronet consumed a considerable portion of time in discussing the question whether freemen had exercised their privileges honourably or otherwise—whether or not they had been exposed to open corruption. In his view of the case, even if he were inclined to concur in the right hon. Baronet's opinion in that respect, it would not bear upon the point under consideration. Upon both the points, however, to which he had adverted, he differed from the right hon. Baronet. He thought that Parliament was at liberty to remedy defects in the Reform Act. He thought it was at liberty to impose penalties where penalties were required. But he denied that the Clause imposed any penalty. The case stood upon other grounds altogether, and if the right hon. Baronet were right upon those points, that would have nothing to do with the real merits of the case. The right hon. Baronet touched but lightly upon what he called the general policy of the proposition, and said in effect that the Government was depriving the freemen of their rights by a side wind. He would tell the right hon. Baronet that if the Amendment were carried, it would establish a new right of voting, and one hitherto unknown. Freemen had hitherto voted under their corporate rights; they enjoyed the elective franchise in common with all other corporate rights. The Bill before the Committee proposed to destroy existing corporate rights and to create new ones in their place, and the right hon. Baronet's proposition was this, that the persons who by the Bill were declared to be unfit to vote for Common-councillors should have the privilege of voting for Members of Parliament, which was left to them by the Reform Act, in consequence of their being possessed of corporate rights, of which the present Bill would deprive them. There was absurdity on the face of such a proposition. Suppose the proposition were a new one, would the House, if called upon to do so, declare that persons whom it considered unfit to vote for the election of Mayors and Common-councilmen, or to have any influence in the direction of the local affairs of their respective boroughs, should nevertheless exercise the higher privilege of voting for Members of Parliament? The right hon. Baronet felt the difficulty of this part of the question, when he said that if the thing were to be done now for the first time he would not establish such a right of voting as that which freemen possessed. The right hon. Baronet said that he would maintain the right because he found it existing; but it was not existing, and in fact a new class of voters would be created if the Amendment should be adopted. For the reasons which he had stated he would vote in favour of the original Clause.

Lord *Francis Egerton* said, that as he had not hitherto expressed his opinion on this subject, he would take the liberty of following the right hon. Gentleman. He had no hesitation in saying that the noble Lord's speech was a train of sophistry which was utterly unworthy of any leader of a party in that House. He held this opinion, and he must also say, that he had found but little relief in the speech of his right hon. Friend (Mr. Poulett Thomson), the only member of the Government who had thought proper to support the noble Lord. He would not stop to ask the question, whether this was a deprivation of the privileges of a certain portion of his Majesty's subjects, and whether this came under the same category as giving a new right to another portion of the people. The noble Lord mixed up the two questions together. He was glad that the noble Lord had not pursued the course of obloquy which was pursued by the Attorney-General on a former occasion. The noble Lord said that he was only pursuing the course which the exigency of the case required. The vehicle, however, which he was driving, must necessarily go over the heads of the freemen. The hon. and learned Attorney-General had said that the freemen were unworthy to exercise the franchise, and yet the noble Lord had preserved to them that right under the Reform Bill. They were now to be deprived of the right of voting in Corporations, although that was a less valuable right than that for Members of Parliament. He could not conceive what difficulty or anomaly would occur if they preserved the municipal rights to those persons who exercised the franchise under the Reform Bill. He was not a Member of the House when the Reform Bill was under discussion, and therefore could not be fully aware of all the circumstances attending it; but at the time he did not agree with his right hon. Friend the Member for Tamworth, that the authors of that measure would soon find it necessary to alter it. When the Reform Bill was first introduced, his noble Friend (Lord John Russell) said that it went to the extent that he was prepared to concede, and that so far he would go, and no farther. They now saw, however, that Members of the Government who had introduced the Reform Bill were determined by a side wind to destroy privileges they had formerly pledged themselves to preserve. He thought that it would be a gross violation of consistency if the House and the Government did not maintain the rights of freemen.

Mr. *Ward* observed that the monotony of the argument resorted to on the other side of the House was exceedingly singular. He regretted the necessity for interfering with the rights of any class of freemen, but he was afraid that the necessity for so doing did exist in the present case. Let hon. Members refer to the Reports on the Corporations of Ipswich, of Norwich, of Cambridge, and others, which he had not time to enumerate, and they would find there the most convincing arguments to induce them to discontinue the use of the elective franchise to a certain class of freemen, who it was proved had suffered gross demoralization through its exercise. He would ask whether hon. Members had read the Reports he referred to, and if so, whether they did not consider this bearing? [*"No!"*] "But I do," continued the hon. Member. He maintained that those Reports exhibited a most complete system of corruption and demoralization. But that was not the only argument. They were not to take away their franchise without giving something in exchange. He maintained that expediency was the only thing they had to do with. It was upon that principle that the 40*s.* freeholders of Ireland had been disfranchised by the Emancipation Act.

Mr. *Hughes Hughes* rose amidst violent expressions of impatience. We understood him to refer, first, to the case of Ipswich, in which he maintained that, so far from a gross system of demoralisation having existed, only six cases of corruption had been proved before the late Committee. The inconsistency of hon. Members opposite was not confined to isolated instances. Many of those hon. Gentlemen came into the House upon their reputation for liberal opinions, and their avowals in favour of Universal Suffrage; yet those were the very Gentlemen who now came forward to disfranchise a large part of the constituency which already existed. He would now refer to the title of the Bill. What was it but "for the better regulation of Municipal Corporations;" that said not a word of the robbery of franchise. Then let them look at the preamble, it only provided for the local government of the Corporations, nothing was said in that about the wholesale annihilation of freemen's rights, which, in the city of Oxford, for instance, would reduce one-half of the freemen constituency.

Mr. *Poulter* observed, that the hon. Member for Oxford was the last person in the House who should have so strongly advocated the preservation of the rights of the freemen; because it did so happen that the evidence in the Report found that the corruption in that city, on the occasion both of the municipal as well as Parliamentary elections, was more flagrant than in any other place in the kingdom. It appeared by that evidence, that on every such election the deputy town-clerk gave a regular order to open forty-three public-houses—that a certain sum was allotted to each—that the whole amount so spent was afterwards defrayed by the successful candidates. The labourer in such cases ceased to work. The amount of his small means went in aid of the general treat, and his wife and family were left to the parish. When it was considered that this process was repeated at no less than five elections of the civic officers annually, besides the Parliamentary and other elections, it would at once be seen how large a portion of the year was devoted to immorality and debauchery, and how large a portion of the voters were assigned to the purposes of corruption. It was therefore most singular, indeed, that the hon. Member for Oxford should appeal to the purity of his constituents. He could not conceive that the provisions of the Reform Bill ever meant to bind the Legislature against any mode of Corporate Reform which it should thereafter think best for the national interests. It was by no means clear that the best mode of that reform would not have been to do away with Corporations altogether, and to adopt an entirely different plan of local government. Now, in this event, the class of freemen must have ceased altogether. The Legislature has not proceeded in this way. But it has introduced a totally new kind of machinery, and one wholly inconsistent with the old. Then is it not a refinement, is it not a sophistry, to contend that you are bound to keep up the old machinery with the new, to unite the living with the dead? He contended that no appeal could be made to the institution of charters—he admired that institution as popular and national; but not its perversion. But for this the present measure would have been unnecessary. The charters never contemplated the creation of such a class as modern freemen. The House had made a great though very proper concession as to the rights of property. But this concession had not been made to the intention of the original grantors, but to long and ancient usage under the practice of our general laws. There was a wide distinction between beneficial rights of property, and the political franchise. It was quite true, that in some cases, as at Liverpool and Stafford, persons in considerable stations had been guilty of corruption. But was it not the grand truth that the greatest instances of corruption had occurred amongst the class whose rights were now sought to be preserved. Where charitable funds had been grossly perverted; where jurymen had been found to be corrupt; where immorality had most prevailed, had not these evils been chiefly found among the freemen. On all these accounts he was decidedly adverse to the preservation of these rights.

The Committee divided on the original Clause: Ayes 262; Noes 234—Majority 28.

### *List of the* Ayes.

Acheson, Lord
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston Rowland
Angerstein, J.
Astley, Sir J.
Attwood, T.
Baldwin, Dr.
Bagshaw, J.
Baines, E.
Bainbridge, E. T.
Bannerman, Alex.
Barclay, D.
Barham, John
Baring, F. T.
Barnard, Edward G.
Barron, W.
Barry, S.
Beauclerk, Major
Bellew, Sir P.
Bellew, R.
Biddulph, Robert
Bish, T.
Blackburne, John
Blake, Martin Jos.
Blamire, W.
Blount Sir C.
Bodkin, J. J.
Bowes, John
Bowring, Dr.
Brabazon, Sir W. J.
Brady, D. C.
Brocklehurst, J.
Brodie, W. B.
Browne, D.
Brotherton, J.
Buckingham, J. S.
Buller, E.
Buller, Charles
Burdett, Sir F.
Burdon, W.
Burton, H.
Butler, hon. Pierce
Byng, George
Byng, Hon. G.
Campbell, W. F.
Campbell, Sir J.
Carter, J. B.
Cavendish, Hon. C. C.
Callaghan, D.
Cayley, E. P.
Chalmers, P.
Chapman, M. L.
Chichester, J. P. B.
Clay, W.
Clements, Viscount
Clive E. B.
Cockerell, Sir C. Bt.
Codrington, Sir E.
Colborne, N. W. R.
Cookes, T. H.
Cowper, Hon. W. F.
Crawford, W.
Crawford, W. S.
Crawley, P.
Crompton, S.
Curteis, H. B.
Dalmeny, Lord
Denison, J. E.
Denison, W.
Denistoun, A.
Divett, E.
Dobbin, L.
Dunlop, C.
Dunlop, J
Donkin, Sir R. S.
Duncombe, T. S.
Dundas, Hon. J.
Dundas, Hon. T.
Dykes, F. L. B.
Ebrington, Viscount
Edwards, Colonel J.
Elphinstone, H.
Etwall, R.
Euston, Lord
Evans, G.
Ewart, Wm.
Fazakerley, J. N.
Fergus, John
Ferguson, R.
Ferguson, Sir R. C.
Fergusson, Right Hon. R. C.
Fielden, J.
Finn, W. F.
Fitzgibbon, Hon. R.
Fitzroy, Lord C.
Fitzsimon, C.
Fitzsimon, N.
Folkes, Sir W. J. H. B.
Fort, J.
French, F.
Gaskell, Daniel
Gillon, W. D.
Gisborne, F.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Gully, J.
Hall, Benjamin
Hallyburton, Hon. D.
Harland, W. C.
Harvey, D. W.
Hay, Colonel L.
Hawes, B.
Hawkins, J. H.
Heathcoat, John
Heathcote, R. E.
Heneage, Edward
Hindley, C.
Hobhouse, Right Hn. Sir J.
Hodges, T. L.
Hodges, T.
Holland, E.
Hoskins, K.
Howard, Philip H.
Howick, Viscount
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Jephson, C. D. O.
Jones, T.
Kerry, Earl of
Labouchere, Henry
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Long, W.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Mackenzie, J. S.
M'Leod, R.
Macnamara, Major
M'Cance, J.
M'Taggart, J.
Maher, J.
Mangles, James
Marjoribanks, Stuart
Marshall, W.
Marsland, H.
Martin, J. B.
Maule, Hon. F.
Methuen, P.
Milton, Lord
Molesworth, Sir W.
Morpeth, Viscount
Mosley, Sir O.
Murray, J. A.
Morrison, J.
O'Brien, W. S.
O'Brien, C.
O'Connor, Don
O'Connell, D.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
Oliphant, L.
Ord, W. H.
O'Loghlen, M.
Palmer, General
Parker, J.
Palmerston, Viscount
Parnell, Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pelham, Hon. C. A.
Pendarves, E. W.
Perrin, L.
Philips, M.
Pinney, W.
Ponsonby, Hon. W.
Ponsonby, Hon. J.
Potter, R.
Poulter, J. S.
Power, P.
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Rice, Right Hon. T. S.
Rippon, C.
Robarts, A. W.
Roche, W.
Roebuck, J. A.
Rolfe, Sir R. M.
Ronayne, D.
Rundle, J.
Russell, Lord J.
Russell, Lord C. F.
Russell, Lord
Raphael, A.
Ruthven, E.
Ruthven, E. S.
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General M.
Sheil, R. L.
Simeon, Sir R.
Smith, B.
Smith, R. V.
Spiers, A.
Spiers, A. G.
Steuart, R.
Strutt, Ed.
Stuart, Lord D.
Stuart, Lord J.
Talbot, C. R. M.

Talbot, J. H.
Tancred, W. H.
Thomson, Right Hon. C. P.
Thompson C. Beilby
Thornley, T.
Tooke, W.
Townley, R. G.
Tracy, C. H.
Trelawney, Sir W.
Troubridge, Sir T.
Tulke, C. A.
Turner, W.
Tynte, J. K. K.
Villiers, C.
Vivian, Major G.
Vivian, J. H.
Vigors, N. A.
Wallace, R.
Warburton, H.
Wason, R.
Wemyss, Captain
Westenra, Hon. H. R.
Westenra, Hon. Col. J.
Whalley, Sir S.
Wilde, Sergeant
Wilks, J.
Williams, W. A.
Williamson, Sir H.
Winnington, H. J.
Wood, M.
Wood, C.
Wrottesley, Sir J.
Wyse, T.

TELLER.

Stanley, E. J.

## *List of the* NOES.

Agnew, Sir A.
Alford, Lord
Alsager, Captain
Arbuthnot, Hon. H.
Archdall, M.
Ashley, Lord
Ashley, Hon. H.
Bailey, J.
Balfour, T.
Barclay, C.
Baring, H.
Baring, T.
Baring, F.
Baring, W. B.
Barneby, J.
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Beresford, Sir J.
Berkeley, Hon. F.
Berkeley, C.
Berkeley, G.
Bethell, R.
Blackburne, J. I.
Blackstone, W. S.
Boldero, Capt. H. G.
Bolling, W.
Bonham, F. R.
Borthwick, P.
Bradshaw, J.
Bramston, J.
Brownrigg, J. S.
Bruce, Lord E.
Brudenell, Lord
Bruen, F.
Buller, Sir J.
Calcraft, J.
Campbell, Sir H. H.
Canning, Sir S.
Castlereagh, Viscount
Chandos, Marquess of,
Chapman, A.
Charlton, L.
Chetwynd, Captain
Chichester, A.
Clive, Viscount
Clive, Hon. R. H.
Codrington, C. W.
Cole, Lord
Cole, Hon. A.
Compton, H. C.
Chisholm, A.
Conyngham, Lord A.
Cooper, E. J.
Coote, Sir P.
Corbett, T.
Corry, Hon. H. T. L.
Crewe, Sir G.
Dalbiac, Sir C.
Damer, Hon. D.
Dare, R. W. H.
Darlington, Earl of
Davenport, J.
Dick, Quintin
Dowdeswell, William
Duffield, T.
Dugdale, W.
Duncombe, Hon. W.
Duncombe, Captain A.
Durham, Sir P. C.
Eastnor, Lord
Eaton, R. J.
Egerton, Lord F.
Egerton, Sir F.
Egerton, W. T.
Elley, Sir J.
Elwes, J.
Fancourt, Major
Fector, J. M.
Ferguson, Captain
Ferguson, Sir R. A.
Finch, G.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forrester, Hon. C.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, P.
Gladstone, W. E.
Glynne, Sir S.
Goodricke, Sir F.
Gordon, Hon. W.
Gore, W. G.
Goulburn, Rt. Hn. H.
Graham, Sir J.
Gresley, Sir R.
Greville, Sir C.
Grimston, Viscount
Grimstone, Hon. E.
Halford, H.
Hamilton, Lord C.
Hanmer, Colonel
Harcourt, G. V.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Henniker, Lord
Herbert, Rt. Hn. J.C.
Herries, Rt. Hn. J. C.
Hogg, J. W.
Hope, Hon. J.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Hoy, J. B.
Hughes, H.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
Jermyn, Earl
Johnstone, J. H.
Jones, W.
Kearsley, J. H.
Kerrison, Sir E.
Kirk, P.
Knightley, Sir C.
Lawson, A.
Lefroy, Rt. Hon. T.
Law, Hon. C. E.
Lushington, Rt. Hn. S.
Lennard, T. B.
Lennox, Lord G.
Lewis, W.
Lewis, D.
Lincoln, Earl of
Lowther, Lord
Lowther, Hon. H.
Lowther, J. H.
Lucas, E.
Longfield, R.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Marsland, T.
Maxwell, H.
Maxwell, J.
Meynell, H.
Miles, P. J.
Miles, W.
Miller, W. H.
Moreton, A.
Mordaunt, Sir J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Palmer, R.
Parker, M. E. N.
Patten, J. W.
Peel, Sir Robert
Peel, E.
Peel, Colonel J.
Pemberton, T.
Perceval, Colonel
Pigott, R.
Plumptre, J. P.
Pollen, Sir J.
Pollington, Viscount
Praed, W. M.
Praed, J. B.
Price, S. G.
Price, R.
Pringle, A.
Pusey, P.
Plunkett, Hon. R.
Reid, Sir J.
Rae, Sir W.
Richards, J.
Ridley, Sir M. W.
Robinson, G. R.
Ross, C.
Rushbrooke, R.
Russell, E.
Ryle, J.
Saunderson, R.
Sandon, Viscount
Scarlett, Sir J.
Scott, Sir E. D.
Scourfield, W. H.
Sibthorp, Colonel
Sinclair, G.
Smith, A.
Smyth, Sir G.
Somerset, Lord G.
Somerset, Lord E.
Stormont, Viscount
Sturt, H.
Tennent, J. E.
Thomas, Colonel
Thompson, W,
Thompson, Colonel P.
Tollemache, Hn. A.G.
Trench, Sir F.
Trevor, Hon. A.
Trevor, Hon. R.
Twiss, H.
Tyrell, Sir J.
Vere, Sir E.
Verner, Colonel
Vernon, G. H. V.
Vesey, Hon. T.
Vyvyan, Sir R.
Wakley, T.
Wall, C. B.
Walpole, Lord
Welby, G. E.
Weyland, Major
Whitmore, T. E.
Williams, W.
Williams, R.
Williams, T. P.

Wodehouse, E.
Wood, T.
Wortley, Hon. J.
Wyndham, W.
Wynn, Sir W.
Wynn, Right Hon. C.
Young, J.
Young, G.
Young, Sir W.

TELLER.

Sir G. Clerke.

Mr. *John G. Ponsonby* moved, pursuant to notice, as a proviso, "that the children of all freemen born before the 5th of June, 1835, and also all apprentices in boroughs, shall have and enjoy all the rights and privileges to which they would have been entitled but for this Bill, excepting the right to vote for Members of Parliament." The few observations of the hon. Member in support of his motion, were inaudible in the gallery.

Lord *John Russell* opposed the Amendment, on the same grounds as he had opposed the previous Amendment of Mr. Praed.

Mr. *Philip Howard* rose to second the Amendment just moved by his hon. Friend, the Member for Derby. In doing so, he was desirous to state the grounds which urged him to take that course. Believing the elective franchise to be a trust which might be granted or revoked by the Legislature, and that the extension of the franchise to freemen in perpetuity, could not be reconciled with enlarged principles of legislation, he had opposed the motion of the hon. Member for Yarmouth. The freemen now voted as corporators. At the same time, it was very desirable in a popular measure like the present, to avoid even the appearance of needless severity. Those persons who had entered on their apprenticeship had, in many instances, paid a valuable compensation, and looked forward with eagerness to the distinction which the elective franchise conferred. They had contributed their labour, which is a poor man's capital. It would be difficult to draw a broad line of distinction between them and the freemen by birth about to participate in the franchise; although he admitted their claims were not quite so strong as that of the apprentice. The attainment of a uniform system would not be very long delayed by the proposed amendment, whilst anything like an interference with a vested right would be avoided.

Lord *Sandon* looked upon the Clause in the Bill to which these amendments referred as an anomaly. It was not consistent with either the principle or general provisions of the Bill; and when, therefore, the noble Lord (Lord John Russell) talked of not going out of his way to favour the class of freemen, in order to be true to his own doctrine he ought to agree to the amendment proposed, the effect of which would be, to confine the measure strictly within its own limits, instead of permitting a departure from its objects, in an attack upon the rights of the freemen. The noble Lord, by this particular provision of his Bill, went out of his way to make an alteration in the Reform Bill. This had been so fully argued, that he need not again go over the ground. The class of apprentices had inchoate rights, which, he contended, that House was bound to respect and uphold; and he sincerely hoped that his noble Friend, although he had negatived the previous amendment of the hon. Member for Yarmouth, would accede to the alteration proposed by one of his own supporters.

Lord *John Russell* maintained that the interference with the privileges of freemen referred to by his noble Friend who had just sat down, was strictly in accordance with the principles of the Municipal Reform Bill. The Clause in question was necessary to secure the due working of that measure, and it could not therefore be said with justice, that an insertion was a departure from the principle of it.

Mr. *Aglionby* said, that he could not allow his hon. Friends on that side of the House, nor the noble Lord on the other (Lord Sandon) to stand alone before the country as champions of freemen's rights and privileges. Let them but show him that the class to whom this Clause referred, possessed any just rights, any rights that they had exercised for the benefit of the people, for whom alone such rights were conferred, and he for one, would be quite as ready to step forward in their defence, as either of his hon. Friends or the noble Lord. They had utterly failed, however, in making out any such case. They had not pointed out one right enjoyed by the freemen in the exercise of which it could be said the public benefit had been consulted. He was afraid that his name might not appear in that black and red list which he saw in the hands of hon. Gentlemen, and which he presumed, was for publication to-morrow morning. He thought there would be a publication—he had seen symptoms of separation for something of the kind; and fearing that his name might not be in the black list, he came forward to claim his share of the unpopularity of the vote just given with his Majesty's Government. He honoured the Government for their whole conduct with reference to this Bill. He would not, therefore, leave them to be held up by their opponents to the whole country, as the enemies of poor men's privileges, which he well knew to be the object of the parties whom he had observed so busy with the red and black list. The hon. Gentleman proceeded to read from a paper which appeared to be one of the lists he had adverted to, the following passage:—"The freemen of England and Wales are to be robbed of their rights by a majority of Scotch and Irish Members." Now, he denied that there was a majority of Scotch and Irish Members in that House; but so long as Scotland and Ireland sent Members prepared to advocate such a measure as the present, he cared not what their numbers might be. He had given the House a specimen of the efforts making to bring his Majesty's Government, and the supporters of this measure, into disgrace with the country. He had not, however, read all the incitements put forth upon the occasion. He would not state from what part of the country the following came, further than that it was where freemen prevailed; but it was of a piece with what he had already read. The hon. Gentleman read as follows:—"Brother freemen! The real object of this is to deprive us of our rights, and assist the Government to carry those Clauses in the Corporation Reform Bill, by which our children are to be robbed of their birthrights." [*Opposition cheers.*] He was not surprised that these sentiments should meet with the applause of the benches opposite; but he should feel obliged to any of those hon. Gentlemen who joined in the cheer to tell him what were the birthright of freemen here spoken of. If they consisted of any thing granted or held for the good of the people at large, he should be as ready as any one to give his vote in favour of the freemen and their children. But if, as he believed was the case, the rights in question were exercised for the perpetuation of abuses, by which, so far from the people benefitting, the people were actually ground down to the dust. If they were forthcoming for the support of every corrupt Government, and actively employed against every species of Reform in particular, then he must say, that he should be for depriving parties so using powers intrusted to them for the general good, of all such rights and privileges, under whatever name it might be the pleasure of individuals to recognize them. He would next read to the House a paper containing similar sentiments, and coming from the same place. He did not think he need name the place; but, at all events, he would read first. What he was about to read, came from a town for the representation of which there were a Whig and a Tory candidate, and was stuck up as a placard upon the most conspicuous places. It was to the following effect:—"Brother Electors! Can you believe it possible that the Whig faction in this City have determined to rob you of every right and privilege which you and your ancestors have always enjoyed? Can you, I say, believe it, that our worthy Whig Candidate will not be at the expense of a chair; no, he will not even allow you to see his face after the election! The usual attendance of constables, band of music, chairmen, chairmakers, &c. &c., will not therefore be required. Brother electors! will you, can you, sit down quietly and witness every feeling of decency to be outraged. If these are the blessings to be bestowed upon us by the hacknied and misapplied names of reform and purity, then away with them! and let us at once arouse from the delusive slumber, and have a man who will not profess one thing and mean another; not a man who, under the beautiful garb of purity, takes from us the birth-right of Britons." The city of York was the quarter from whence the paper came which he had read. In conclusion, the hon. Member observed, that he should support his Majesty's Government in their opposition to the attempted alteration in the Clause relating to freemen, whether his name figured in a red or black list.

Sir *Matthew White Ridley* protested in the name of the whole body of freemen of this country against the sweeping denunciation, pronounced against them by the hon. Member who had just sat down. There had been, undoubtedly, many cases of delinquency on the part of the freemen, for which they deserved individually to be punished; but it was most unjust to ascribe collectively to the class the corruptions of a few. The birthrights and privileges of the freemen had descended to them from their forefathers—they had been earned and paid for by their labour, and ought to be preserved.

Mr. *Thomas Dundas* said, he was the Member alluded to in the placard read by his hon. Friend. He begged to explain, that since the passing of the Reform Act, he had thought it his duty to promote the purity of election as much as possible. He had therefore resolved to dispense with the ceremony of chairing, which he looked upon as a means merely of engaging a certain portion of influence in his favour. He had, however, given, for better purposes, to the town, the full amount of the expenses of chairing.

Mr. *Lowther* thought the House ought not to attach too much importance to documents of the nature read by the hon. Member for Cockermouth. Such a document ought not to affect the general character of the freemen of this country.

Mr. *Hughes Hughes* thought the noble Lord (Lord J. Russell), looking at the last division, and seeing that there was a defection in his camp, ought not to oppose the proposed amendment.

Mr. *Grove Price* complained of the interruption offered to hon. Members who rose to deliver their sentiments on this important Bill, and said he should move the adjournment of the debate.

Mr. *Hardy* supported the amendment. He contended, that the privileges of the freemen were of great value to them, as well in a pecuniary point of view as for the honour attached to the possession of them. He could not consent, without any evidence of the necessity of the case, to the spoliation of these persons.

The Committee divided on Mr. Ponsonby's Amendment Ayes 203; Noes 234; Majority 31.

The Committee also divided on the Motion, "that the Clause stand part of the Bill."Ayes 234; Noes 165: Majority 69.

Mr. *Lennard*, after some prefatory observations, which were rendered wholly inaudible by the general confusion and noise, moved the addition to the 12th Clause of the following words:—"or who shall espouse the daughter of any freeman of any borough, such daughter having been born before the 5th day of June."

Lord *John Russell* without entering into any arguments, said, he must oppose the Amendment.

Sir Robert Vyvyan supported it.

Colonel *Sibthorpe* was averse to proceeding further with the Bill at that late hour; and moved that the Chairman report progress.

Lord *John Russell* remonstrated against the proposition. The hon. and gallant Member must be aware that the state of the public business was such as to render it highly expedient to get through this Bill with as little delay as possible.

Colonel *Sibthorpe* was as tired of the Bill as the noble Lord could possibly be; but still it ought to be discussed at proper seasons.

Colonel Sibthorpe withdrew his Motion, and the Committee divided on Mr. Lennard's Amendment. Ayes 50; Noes 163; Majority 113. It was then moved "that the Chairman report progress, and ask leave to sit again," upon which the Committee again divided. Ayes 10; Noes 167; Majority 157.

### *List of the* AYES.

Alsager, Captain
Brotherton, J.
Cole, Lord
Miller, W. H.
Percival, Colonel
Plumtre, J. P.
Rushbrook, R.
Sibthorpe, Colonel
Trevor, R.
Windham, W.

TELLER.

Charlton, L.

The Clauses up to 48 were agreed to.

On Clause 49 relative to the appointment of Town-clerk, Treasurer, and other Officers,

Mr. *Borthwick*, in moving his Amendment said, that he knew many instances, (as he had stated on a former occasion) in which the Clerk had discharged the duties of Assistant Clerk for as many as thirty years, and of Clerk for twenty more: he knew one who realized by the office 1,000*l.* a year, who had a right not merely by succession from his predecessors, but by charter. There were many other instances in which a man had given up all his professional avocations, and all the advantages he might derive from the free exercise of all his employments as a lawyer, in order that he might in consideration of such security, discharge the duties of the office as secured it him by the Charter. In many of the instances which he (Mr. Borthwick) had in his mind's eye, the Town-Clerk, who had been guilty of no offence, and had discharged the duties of his office to entire satisfaction, would be deprived by the Bill of that which, by the Charter was secured to him to the day of his death. It might be said, that if he discharged his duties to the satisfaction of the town, that he would be re-elected; but that would not always follow. Without any disrespect whatever to the new constituency, he might affirm that where parties ran high, it would not always be the man of superior character who would secure his re-election. Besides the new constituents might be the very persons to whom he might have rendered himself politically obnoxious through the proper discharge of his duties. Without detaining the Committee, therefore, at any greater length upon the expediency of retaining an officer of long experience in the management of such great varieties of property consigned to his care by the Bill, (though it would be seen by the House that no man could enter upon his office with such efficiency for the discharge of its duties as would belong to the old and experienced officer) he hoped the noble Lord would see that no part of the real efficiency of the Bill would be impaired, nor any great principle violated, by giving those individuals who hold under charters, in all cases where no misconduct had been proved, exemption from the provisions of the Bill. On that account, he therefore moved the following proviso to the Clause. "Provided always, that nothing herein contained, shall authorize or empower the Town-Council in the Borough to remove or displace any Town-Clerk who shall have been appointed, or at the time of his appointment under this Act shall hold his authority under any charter or authority for life: provided that he conduct himself well and properly in his office. But that such officer shall hold his office, with such fees and emoluments as he would have received before the passing of this Act."

Amendment negatived.

Clause agreed to.

## HOUSE OF LORDS,

### *Friday, July* 17, 1835.

MINUTES.] Bills. Read a second time:—General Turnpike Act Amendment.

Petitions presented. By Lord MONSON, from East Surrey, for Protection to the Protestant Church.—By Lord ASHBURTON, from Miramichi and other Places in British North America, against any Alteration in the Timber Duties.

ADMISSION OF LADIES.] Lord *Brougham* said, that he wished to put a question to his noble Friend at the head of the Committee for Re-building the Houses of Parliament, or to his noble Friend at the head of the Woods and Forests, on the subject of a matter which he found mentioned in the Votes of the other House. He referred to the matter of providing accommodation in that House for Ladies to hear the Debates. On this subject he must say, that he differed from some other people in this matter; and, disliking the introduction of politics into private society, he thought that the Ladies would be infinitely better employed in almost any other way than in attending the Debates of that House. He should, therefore, if no other noble Lord opposed a proposition for setting apart a gallery for their use, oppose it himself. His noble—he might almost say his noble and learned Friend opposite (Lord Wharncliffe) seemed to laugh at what he was saying. He could assure his noble Friend that not even his noble Friend felt a more absolute and entire devotion to the sex than he did; but he wished also always to see them in their proper places.

Lord *Wharncliffe* assured his noble and learned Friend, that he did not wish to ridicule what his noble and learned Friend had said. On the contrary, he entirely agreed with it.

The Marquess of *Lansdowne* observed, that in the Report of the Building Committee it was stated, that after providing accommodation for various persons, a certain quantity of room would remain, which might be dedicated to other purposes. The name of the ladies was not, however, introduced into the Report; and, as far as he was concerned, it never should be introduced there.

CORPORATION COMMISSIONERS.—MR. HOGG.] Lord *Wharncliffe* wished to ask whether the noble Lord at the head of his Majesty's Government had any objection to lay before their Lordships a protest made by one of the Commissioners appointed to inquire into the state of Municipal Corporations, against the Report of his brother Commissioners. He was perfectly willing to admit, that it would be extremely inconvenient to have each Commissioner allowed to make a separate Report; but he thought if one Commissioner dissented from those with whom he was appointed to act, Parliament should not be deprived of the benefit of his opinion. He did not then wish to say anything of the merits or demerits of the measure which was introduced on the subject of Corporate Reform into the other House of Parliament; and still less desirous was he to state any opinion adverse to the question of Corporate Reform. He was quite willing to state, that great Reform was necessary in Municipal Corporations; and the only difference which existed between him and the noble Lords opposite, was as to the mode in which that Reform was to be effected. Parliament had a perfect right, however, to require that all the important evidence laid before the Commissioners should be submitted to their jurisdiction, in order that they might determine whether the conclusions drawn from facts deposed, were just and well founded. He must say, that the protest which had been some time since sent in by Sir Francis Palgrave, had gone far to substantiate the charge which had been brought against the Commissioners, viz.:—that their Report was not drawn up on fair grounds; but, on the contrary, was marked by party views, and a predetermination to view the subject in a certain light which suited their own purpose. Mr. Hogg also, the Commissioner to whose opinions he (Lord Wharncliffe) had now called their Lordships' attention, had sent in a paper, in the shape of a protest, to the Secretary of the Home Department, which would not be received by the noble Lord in that shape, but which contained this Commissioner's reasons for refusing to accede to the Report which had been returned by the other Commissioners. He thought it most desirable that their Lordships should be made acquainted with the contents of this document; and he therefore wished to know whether the noble Lord opposite had any objection that the correspondence which had taken place between Mr. Hogg and the noble Lord, the Secretary of State for the Home Department, and also the paper which Mr. Hogg sent in the shape of a protest, should be produced.

Viscount *Melbourne* conceived that the noble Lord had fully answered his own question; for he admitted, that if each Member of a Commission were suffered to send in a separate Report, there would be no end to such proceedings, and no advantage could be derived from the appointment of a Commission to inquire into any subject. But then the noble Lord had said, that if this paper of Mr. Hogg's were not received as a Report, it might nevertheless be sanctioned as a protest. Why, if it were not right that it should be received as a Report, it followed as a matter of course that it ought not to be received as a protest, which was a mere change of its name. [Lord *Wharncliffe*: Then why receive the protest of Sir Francis Palgrave?] That protest was erroneously received at the time the measure on Corporate Reform was in course of preparation, and formed no ground for the reception of the paper from Mr. Hogg. He apprehended, however, that no disposition whatever to stifle Mr. Hogg's Report would be displayed; and he was sure, if the noble Lord was anxious to obtain the information contained in that Report, that the Gentleman from whom it proceeded would be most willing to communicate it. The noble Lord might, therefore, enjoy the full benefit of the Report, and introduce it to the close and immediate attention of their Lordships, by embodying it in his speech on the question of Municipal Reform, when the Bill relating to that question was brought up for discussion in that House.

The Earl of *Aberdeen* said, that nothing was more common than for a Member or Members of a Commission to enter a protest against the Report on which the majority of their brother Commissioners might have decided. This was done in reference to a question which had come under their Lordships' notice that night:—he alluded to the subject of the Scotch Universities. Commissioners had been appointed to inquire into the state of learning in those Universities, and some of them had returned a Report, which was accompanied by a protest from others. He was convinced that the same course might be pursued in the present case consistently with precedent and with advantage to the public service; and he was the more convinced of the expediency and justice of having Mr. Hogg's protest received, because he thought that Parliament would have lost much valuable information on the question of which it treated, if the protest of Sir Francis Palgrave had not been made and admitted.

Lord *Ashburton* said, that the only question in the present case appeared to him to be whether Mr. Hogg was a fit person to be placed on this Commission; and as it seemed to be acknowledged that he was, his opinions were, he thought, exactly those which it was necessary that their Lordships should be made acquainted with. When he stated that protests were frequently the means of conveying the most useful information to Parliament, he felt it his duty to allude to the very valuable Reports of the Common Law Commissioners, a comparison of which with the protest appended to it, had alone enabled him to make up his mind on a most important question—the Bill of Non-imprisonment for Debt, which had been introduced into the other House of Parliament.

Lord *Wharncliffe* observed, that Mr. Hogg complained that he had not been allowed a fair opportunity of stating his opinions on the subject of Municipal Corporations. If Mr. Hogg had a right to complain that he was hardly treated, he thought Parliament was justified in saying that they were still more hardly treated, by being deprived of such valuable information as that contained in this Gentleman's protest. Mr. Hogg had also said, that he sent in Reports with respect to Liverpool and other places, which were not printed. The noble Lord had no objection, he presumed, to the production of the correspondence which had passed between Mr. Hogg and the Secretary of State.

Viscount *Melbourne:* None whatever.

The Earl of *Harrowby* did not consider the noble Lord, the Secretary of State for the Home Department, justified in rejecting the protest of Mr. Hogg. From what had been already stated, their Lordships were aware that it was a very common practice to make such protests; and if this were not so, such a practice ought, in his opinion, to be encouraged. If the Report of the majority were in every case to be taken as the result of the deliberations of any set of Commissioners, the most unfair conclusions might be arrived at; for that majority might have been decided by a single Commissioner, and the opinions of all the dissentients, which it might be most important to hear, would thus be shut out from the consideration of Parliament. The case was different with a Committee of that or the other House of Parliament, the minority of the Members of which had the opportunity of stating, in their places, the grounds on which they might feel it their duty to differ from the statements made in a Report agreed to by the majority. Such Commissioners as Mr. Hogg, however, had no such opportunity, and their opinions were completely shut out by those of the majority. He trusted, then, that some mode would be devised by which the important information contained in the protest of Mr. Hogg should be laid before Parliament.

Viscount *Melbourne* did not think that it was attaching any undue importance to a Report to have it decided upon by a majority of Commissioners, as those only who assented to it affixed their names to the document. This proceeding did not, however, put Parliament in possession of the grounds on which the assent of those who refused to sign the Report was withheld. As it was far from his intention that any information which could be properly afforded should not be laid before their Lordships, he should take care to see his noble Friend the Secretary of the Home Department on the subject, before Monday, and determine on what course to pursue with a view of meeting the wishes expressed by some of their Lordships.

The Bishop of *Exeter* recollected a remarkable precedent for the adoption of the course proposed to be taken with respect to Mr. Hogg's protest. It was the Report of the Commissioners on National Education in Ireland, three of whom decided on a Report which the two other Members of the Commission dissented from. To the Report, however, was subjoined the protest of the dissentients.

Subject dropped.

State of Crime (Ireland).] The Marquess of *Westmeath* said, that he should trouble their Lordships with but very few words on the subject of which he had given notice, and to which it was his intention to call their Lordships' attention that evening. He should not, perhaps, trouble their Lordships upon this subject were it not for the very peculiar circumstances in which the country was likely to be placed by the measure which it was intimated it was the intention of his Majesty's Government to introduce into Parliament. He might possibly be liable to the suspicion of wishing to gratify a feeling of enmity or animosity to his fellow-countrymen of the Romish persuasion in Ireland. But it would be rather too late for his Majesty's Government, at least, to make such a charge. It would be too late for them, after the circumstances attending the religious *census* which they had appointed, to charge him in making this motion with any intention of drawing an unnecessary or improper distinction between persons of different religious persuasions in Ireland. By granting the return for which he was about to move, certainly no worse consequence, in this respect, could follow than was produced by the census to which he had adverted. He admitted that very many circumstances which were to be regretted had occurred in the progress of that inquiry which might have been wholly avoided, if the Commissioners had adhered strictly to the instructions of the Commissioners under which they acted. He had gone carefully through the whole of the Report of the Commissioners, and it struck him that they had studiously avoided the instruction which had been given them. He only found one notice of this instruction in the Report, to which he should call their Lordships' attention. [*The noble Marquess read an extract from the Report of the Commissioners, adverting to the view they had taken of the instruction given them in the Committee.*] And to this lame conclusion were their Lordships left. This was all the information they were to obtain after the instruction which had been given, and the expectation they had been led to entertain. In moving for a return of this kind, it might probably be necessary to say something of the gross and relative amount of crime committed in Ireland at different periods. Without trespassing upon their Lordships' attention at any length, he should just observe, that the difference in the number of persons committed for crime between the years 1833 and 1834, was 1,783. It might be said that there would be a difficulty in obtaining the information sought for in the return; it might be difficult to ascertain the number of persons committed for crime, who were Roman Catholics, and the number who were Protestants. For his own part he could see no difficulty in the case. If a return could be procured, as no doubt it could, of the absolute number of persons committed for offences, why could they not be distinguished into Roman Catholics and Protestants, or professors of any other creed? His object in moving for this return was twofold. He wished, in the first place, to show the House and the country the effect which the Protestant religion produced upon the morals and the conduct of its members. No doubt in the arduous struggle in which the Protestants of Ireland might be now supposed to be engaged in the protection of their religion, they had strong claims upon, and would obtain the sympathy and assistance of those who were able to protect them; but it was their duty to show the salutary and the beneficial effects which the Protestant doctrines produced upon the minds of those by whom they were professed. The Protestants of Ireland should show by their conduct what was the character of their doctrines, and thus entitle themselves to the respect of the Protestant community of the entire kingdom. It was with this view that he was about to move for the returns to which he had adverted. He could not suppose his Majesty's Ministers would oppose his Motion, for he saw no ground to justify them in doing so. It might be said, that the Catholic population in Ireland was much larger than the Protestant; and that, therefore, it was only natural to expect that the amount of crime amongst them would be greater. But what he meant to contend for was, that the amount of crime amongst the Catholic population was much greater, even in proportion to their numbers, than it was amongst the Protestants. Without trespassing further upon the attention of the House, he should conclude by moving for a Return of the number of persons committed in Ireland for crime, from June, 1834, to July, 1835, distinguishing them into Protestants or other Dissenters and Roman Catholics.

Viscount *Duncannon* should certainly oppose the Motion of the noble Lord. Indeed the noble Lord, in the course of his speech, had stated quite sufficient to justify their Lordships in refusing to accede to his Motion. The noble Lord had stated, that under circumstances different from those in which the country was at present placed, he should not have thought of moving for such a return; and in the course of the noble Lord's subsequent statements, he had certainly failed in stating any Parliamentary grounds to induce their Lordships to order the return for which he had moved. That return he could not help regarding as extremely invidious, and of a nature that would be highly offensive to the people of Ireland. The noble Lord had, in effect, moved for a return which would require those who made it out to go into the gaols in Ireland, and ascertain what proportion of its inmates were Roman Catholics and what Protestants. He, as well as the noble Marquess, was quite aware that the Grand Juries of Ireland granted a sum of money for the payment of clergymen who attended the gaols, to administer religious consolation to such of its inmates as might be willing to accept it at their hands. The prisoners might have the aid of a Catholic priest or a Protestant minister; but no record, he apprehended, was kept of their several religious persuasions. He did not know, then, how the noble Marquess proposed to obtain these returns, even if he succeeded in carrying his Motion. He could imagine no other means for the accomplishment of this measure than the issuing a new Commission, for the purpose of ascertaining the religious persuasion of individuals committed to the different gaols in Ireland. The only ground urged by the noble Marquess to justify the House in granting this return was, that a Commission was issued by the Government for the obtainment of an object similar to that contemplated by the Motion of the noble Marquess. Now the object with which the Commission was issued by the Government was to ascertain the relative proportion of Roman Catholics, and Protestants and Dissenters, for the better guidance of the Legislature in framing a measure for the regulation of the Church Establishment in

Ireland. Such was the single object of the Government; and he should ask, what was the object contemplated by the noble Marquess? Did that noble Lord suppose, if it reached Ireland that the House of Lords had ordered a return of the number of Roman Catholics and of Protestants committed to the different gaols, it would not be regarded as a most invidious proceeding, and would not be highly offensive to the great mass of the people of that country.

The Duke of *Richmond* hoped that the noble Marquess was not really in earnest in bringing forward this Motion. Did the noble Marquess really suppose he should be able to procure the relative number of Roman Catholics and Protestants who were committed to gaols in Ireland? Now he (the Duke of Richmond) was prepared to say, that the greater proportion of those who were committed to gaols had no religion at all. At least the fact of their being so committed was *primâ facie* evidence that they did not act up to the principles of any religion. And even though the noble Marquess were able to procure the return for which he moved, was he not aware that the great proportion of the wealth of Ireland was Protestant? And therefore the noble Marquess might as well move for a return of the number of pickpockets in the House of Lords, compared with the number in St. Giles's, as move for the number of Protestants compared with the number of Catholics committed to gaols in Ireland. Of course, where there was a large number of people uneducated and poor, they had a stronger temptation to commit crime than the wealthy and educated. He quite agreed with the noble Lord (Lord Duncannon), that a Motion of a more hostile and invidious nature, so far as the Catholics of Ireland were concerned, could not be made. Where could such a proceeding, if it were once established, cease? Similar returns would no doubt soon be moved with respect to the comparative numbers of the English Protestants and Dissenters committed to our gaols. The Motion, if complied with, would be of no use; and if they got the returns asked for, they could lead to no good end. The noble Lord was no doubt acquainted with the comparative number of Catholic and Protestant prisoners in the gaol of his own county; and he would recommend him to confine himself to the information which he possessed with respect to that part of Ireland; and to which he might direct the attention of their Lordships at the first favourable opportunity.

The Marquess of *Conyngham* said, that the Motion of the noble Lord must have precisely a contrary effect from that which he seemed to anticipate from it; for if it were acceded to, it must inevitably lead to an aggravation of the existing differences on the subject of religion in Ireland. It would be contrary to every principle of justice and moral right, if the Judge in Ireland were to ascertain the religion of every prisoner before his trial was entered on; yet this was a mode of proceeding which would be justified on the principle of the noble Lord's motion.

Lord *Hatherton* said, that he objected to the Motion, not so much because he considered that it would be difficult to comply with it, but because the returns could not possibly lead to any useful result. It was a complete fallacy, though a very popular error, to suppose that the number of crimes in Ireland was proportioned to the existence of the Catholic religion amongst the people. The fact was, that crimes attributed to the people of that country were not of such a character as were generally supposed. They were usually such as were likely to be committed by a population which were poor, and engaged in agricultural pursuits. He would only mention, in corroboration of his opinion, that in Tipperary the number of murders, larcenies, and crimes of that description, was much smaller than those committed in his own county, while the population of the former county was infinitely larger, and the calendar contained a greater number of offences.

The Marquess of *Westmeath* should certainly not persist in his Motion, if the sense of their Lordships' House was opposed to it. The noble Duke who had addressed them had said, that he conceived those persons who were committed to gaol had no religion at all. He did not mean to say that they had much religion; but he wished to ascertain to what religious persuasion they belonged, in order that their Lordships might be able to see how far their conduct was influenced by the principles which they professed. He could not see any weight in the argument of the noble Duke. The noble Viscount opposite thought that the return moved for, if granted, would be offensive to the Catholics of Ireland. Upon this point he wished to be distinctly understood. He was anxious, if possible, to avoid giving any offence to any class; but the Protestants of Ireland were put upon their defence, and therefore called on for that return for which he felt himself bound to move, and to which objection had been made. He was perfectly indifferent as to whether the Roman Catholics thought that the House meant to offend them or not. His object was to show the moral conduct of both classes, and for this purpose he thought the return he had moved for would be extremely valuable. However, if the sense of the House was, that he ought not to persevere, he would withdraw his Motion. He was not anxious to defend himself from the charge of having moved for a return which would require a census to be made that would be regarded as offensive by those who not only took no exception to, but supported the census ordered by the Government. That census, not only distinguished Catholics from Protestants, but the object for which it was taken tended to make the Catholics anxious to get rid of the Protestants. With these observations he should withdraw his Motion.

The Duke of *Richmond,* in explanation, said, that he did not mean to say, that all those who were committed to gaols had no religion at all. He merely meant to suggest that in the census which would be required if the Motion of the noble Marquess were agreed to, there should be a class for those who had no religion at all.

Motion withdrawn.

## HOUSE OF COMMONS,

### *Friday, July* 17, 1835.

MINUTES.] Petitions presented By Lord ASHLEY, Messrs. E. ELLICE, LENNARD, and R. TREVOR, from Coventry, Lincoln, and other Places, against Parts of the Municipal Corporations' Bill.—By Colonel LEITH HAY, from Montrose and Elgin, in favour of the Royal Burghs' (Scotland) Bill.—By Mr. SANFORD, from Chard, for the Repeal of the Duty on Newspaper Stamps.—By Mr. WALLACE, from Colliers in Renfrewshire, against the present mode of calculating Wages; from Greenock, for the Repeal of the Duty on Newspaper Stamps.—By Captain WEMYSS, from Leslie, in favour of the Church of Ireland Bill.—By Mr. HENRY MARSLAND, from Stockport, for Mitigating the Sentence on the Dorchester Labourers.—By Captain GORDON, from Members of the University of Aberdeen, against the Aberdeen Universities' Bill.—By Mr. Sergeant JACKSON, from Kilbrogen and Binny, against the Church of Ireland Bill.—By Sir W. MOLESWORTH, from St. Austell's, for the Suppression of Drunkenness.—By the same and Mr. GOULBURN, from several Places,—against any Alteration in the Timber Duties.—By Sir M. W. RIDLEY, from the Medical and Surgical Society of Newcastle-upon-Tyne, against the County Coroners' Bill.

**BERKHAMSTEAD SCHOOL.]** Mr. *Thomas Duncombe* presented a Petition from the reverend Thomas Dupre, master of the grammar-school at Berkhamstead, in Hertfordshire, complaining of a false and most unjust and slanderous attack made upon his character in a petition some time ago presented to that House by the noble Lord, the Member for Hertfordshire. That of which the reverend gentleman had to complain was not confined to the petition, for in the *Standard* newspaper of the day following the presentation of the petition, there appeared an article commenting in terms of great severity upon the conduct imputed to Dr. Dupre by the petitioners, in which the writer accused him not only of neglecting his duties as a clergyman, but also of neglecting the duties which ought to be performed by any one filling the situation of master of the school at Berkhamstead. The writer gave great praise to the noble Lord, not only for presenting the petition, but for doing so with energy and effect; and the right hon. Gentleman, the Member for Cambridge, likewise expressed his approbation of the petition for exposing the misconduct of a person so situated, and endeavouring to place the circumstances in such a point of view, as that the Church should stand aright before the public. Dr. Dupre also wished to stand right with the world, and, therefore, forwarded the present petition to the House. The former petition set forth, that from the year 1811 to 1833, he had never resided at Berkhamstead, but at a place called Willoughby, where he had another living. Now he was not inducted into Willoughby until the year 1815. From 1805 till 1815 he resided at Berkhamstead without the least interruption, nor did he ever leave that place for Willoughby, except during the short intervals that elapsed between the resignation of one curate of that parish and the appointment of another. The former petitioners also alleged that he and his usher were trustees of this school, that they had grossly abused the trust, and misapplied the funds. The fact was they could not have misapplied the funds, seeing that a receiver had long since been appointed by the Court of Chancery. The petitioner also denied the violation of agreement imputed to him, and affirmed, that he was at all times willing, and always had fulfilled the obligations imposed on him by the foundation. It had been charged against him that, altogether, there had been, since he came to Berkhamstead, an expenditure of 15,645*l.*, that the repairs of the school-house only amounted to 1,711*l.*, and that Dr. Dupre received for salary 5,933*l.* Surely the House would agree with him, that putting the gross sum was not a fair and candid way of treating the matter; it was obviously an attempt to make it appear that the annual payment was 5,000*l.* What would any hon. or right hon. Gentlemen opposite think of a discussion on their pensions if they were always to be spoken of as having received the gross and not the annual sum? A further accusation brought against the petitioner was, that he had expended 2,700*l.* in law costs. He certainly had somtimes been obliged, by legal means, to resist aggression, but in no case had the Court of Chancery awarded costs against him, which they would not have been backward in doing had he been guilty of the least impropriety, and let it not be forgotten that he was the defendant in every case. For these several reasons the petitioner prayed that the matter might be inquired into, and he pledged himself, as a gentleman, a clergyman, and a Christian, to substantiate the whole of his statements; he staked his character and reputation upon the result, and he prayed that the whole matter might be brought before that hon. House and the country at large.

Mr. *Goulburn* regretted that the reverend gentleman should have considered him as adverse, for he should rejoice in any opportunity that might be afforded him of setting himself right with his neighbours and the public in a matter of so much importance.

Mr. *Ward* said he had been requested to reaffirm the statements in the first petition, notwithstanding the statements of the reverend gentleman. The petition bore the signatures of men of all parties, including that of the rector of the parish.

Petition referred to the Select Committee on Charities.

DISTRESS IN IRELAND.] Mr. *Sharman Crawford* presented a Petition from the county of Mayo, complaining of the extreme distress of the population of the west coast of Ireland, and praying relief to prevent them from perishing. The petitioners alluded to the hardships of seeing their crops and cattle exported, while they were starving; stated that there were thousands without a morsel of daily food and scarcely a particle of raiment to cover them, and charged the landlords of the country with treating them, not as human beings, but as inferior creatures. The hon. Member said, that he had a further proof of the wretchedness of the people on the west coast of Ireland in letters which he had received that morning from that unhappy country. The first he should quote from was an answer by the reverend Mr. Hughes, parish Priest of Achill, one of the islands on the Galway coast. It stated that some of his parishioners had actually died of starvation, and that he was afraid many others would follow them from the same cause. That hundreds would have perished in the same manner but for the hospitality and benevolence of the poor to the utterly destitute, and that the only means he had to obviate the fearful catastrophe which impended over the island was a trifling sum of about 20*l.* subscribed in Dublin, Galway, and Mayo, and about ten tons of oatmeal. He further stated, that he had applied to the Irish Government for relief, but that the answer to his application was, that the Government was quite incompetent to afford relief. The next letter he (Mr. Crawford) should quote, was from the reverend Mr. Mason, parish Priest of another district. The words of it were, "The great bulk of the people are crushed to death with the weight of their misery. Even while I write the cries of starvation pierce my ear and my heart, knowing my utter inability to relieve it. Our streets are crowded by thousands of famished creatures pressing in from the country. Famine has made them well nigh desperate. Some of them say, that they will no longer respect the laws of society or the rights of property, as their dire distress is not attended to by those whose duty it is to relieve it; and they threaten that they will not die of hunger while they have strength left to take the means of satisfying it from those in whose possession they are. They are at the very height of misery; and I shudder to contemplate the results, if speedy relief be not afforded them. The most calamitous consequences may be expected in such a case." After these heart-rending statements, he (Mr. Crawford) would put it to the House whether relief, effective relief should not be immediate. He would not insult their humanity by supposing the possibility of its denial or refusal. He gave the Government credit for its anxiety to relieve the sufferers; but they should be prompt in its application if they had the power of bestowing it. If they had not, the House should furnish them with it. Session after Session the only effectual system of relief—Poor Laws—had been postponed; and, therefore, Parliament were bound to charge themselves with the temporary relief of the sufferers, who were in fact exposed to hardships, through its neglect or of its idea of expediency. He would at the very earliest opportunity, move an humble Address to his Majesty, to cause relief to be extended to the starving poor of Ireland, and that he should direct his Parliament to supply the means thereof.

Lord *Morpeth* said, that as the hon. Member had given notice of a Motion he should not raise any discussion on the subject. He should only observe that the attention of the Government, in the meanwhile should not be diverted from the most effectual means of affording that relief so earnestly prayed for and so greatly wanted.

Mr. *Henry Grattan* bore testimony to the willingness of the Irish Government to afford effectual relief to the suffering poor of Ireland; but he could not help thinking that no mode of relief would be found effectual which did not compel the residence of absentees, or substitute a portion of the expenditure of their estates in lieu of it. Two facts would prove it to the satisfaction of the House: on his own estate, and on that of the hon. Member for King's County, contiguous to it, there was not a single pauper, because he and that hon. Member resided among their tenantry.

Colonel *Perceval* agreed with the hon. Gentleman in thinking that absenteeism was a very great evil, but he must at the same time say, that until the country was brought into a state of some tranquillity, until agitation had ceased to prevail to its present most dangerous extent, it was impossible to expect that anybody who had the means of living elsewhere would consent to live in the greater part of that country. His hon. Friend knew that an English gentleman who had for some sixteen years retained extremely liberal opinions, had come to settle in the county of Meath, had brought a steward from Norfolk to superintend the agricultural improvements upon his property, and had authorized him to advance small sums of money to such of the tenants as needed such assistance. No man was more distinguished than that English gentleman for his opposition to what was falsely called the ascendancy party in Ireland—no man could have been more popularly liberal in his opinions; but how did all this end? In 1831 he presumed to give his election influence to Sir Marcus Somerville, a gentleman who, like himself, was remarkable for his extremely liberal principles, but who had nevertheless not found favour in the eyes of those who had brought in no small degree the representation of Ireland under their own control. In consequence of this gentleman's supporting Sir Marcus Somerville, who would not consent so be dictated to by that gigantic power which had since been proved sufficiently great to control the Government itself, he was pointed at, and persecuted, and denounced. The steward that he had brought for the purpose of teaching his tenantry to improve their own condition was barbarously murdered. The steward and another man were fired at; the second person being supposed to be that liberal English gentleman who had displayed a disposition so kindly towards the Irish peasantry. The gentleman he alluded to was Mr. Hussey: he had no hesitation in declaring the name, and after hearing this statement, he would ask any gentleman if it was not absurd to suppose that people would settle in the country where conduct such as he had described was rewarded in such a manner? At this moment that gentleman could not go forth to receive his rents without himself carrying arms, and being accompanied by a friend also armed. The fact was, that so long as agitation was suffered to continue, it was idle to hope that there could be either prosperity or peace for miserable Ireland. He admitted once more, that absenteeism was a curse, but agitation was its primary cause, and until they removed the one, it would be impossible to deal with the other.

Mr. *Robinson* thought it was idle to argue about effectual relief to the poor of Ireland, unless the House was prepared to apply a compulsory power to the estates of landlords for their support.

Mr. *French,* in reply to the arguments of the hon. and gallant Member, respecting the ascribing of the evils of Ireland to agitation, begged to remind him that misery and distress existed in it, and that absenteeism was their cause long before agitation was thought of.

Mr. *O'Loughlin* said, that the hon. and gallant Member for Sligo was misinformed respecting the attack on Mr. Hussey, and that he was under a mistake in attributing it to the part taken by that Gentleman on the Meath election. It arose from other causes.

Mr. *H. Grattan* said, that his hon. Friend must have been aware that Mr. Hussey was about to turn out the man and his helpless family who fired at him.

Petition laid on the Table.

Lord John Russell moved the Order of the Day for the House to go into a Committee on the Municipal Corporation Reform Bill.

ORANGE SOCIETIES.] Mr. *Hume* rose

and said—I wish to put a question to the noble Secretary for Ireland, whether he has received any account of the outrage which it appears by the newspapers was committed on the 12th July at Belfast? The following passage from an Irish paper will explain the nature of the transaction. [The hon. Member here read the quotation, according to which it appeared that the Riot Act had been read by a magistrate of the name of Skinner, in consequence of an illegal assembly of Orangemen; that the military had been called in; that they had been assailed with stones; that they ultimately fired upon the people, and that one young woman was killed and several other persons wounded.] I wish to know whether the Noble Lord is possessed of any corresponding information relative to this transaction?

Lord *Morpeth*: Accounts relative to that transaction have reached the hands of Government, and I regret to say, that it is but too true, that in consequence of riotous proceedings one young woman lost her life, and several other persons were wounded.

Mr. *Hume:* Although business of importance stands for this evening, I consider this as a matter of much greater consequence; and before I sit down I shall submit to the House the propriety of taking some measures to put an end to this system of excitement and outrage. I shall be able to show how evidence may be obtained, on which the House can act; and in doing so I shall only occupy a few minutes.

Lord *John Russell:* I have moved the Order of the Day for the Committee on the Corporations Bill: but if the hon. Member for Middlesex proposes to go into those transactions at Belfast, and into Orange Societies generally, I apprehend that others will be desirous of taking part in the discussion, and the delay will be much greater than he anticipates. If he persists, I might as well at once defer the further proceeding on the Municipal Corporations' Bill till next week.

Mr. *Hume*: I am as anxious to proceed with it as the Noble Lord, and if the House will only listen to the few words I have to say, the matter will be at an end. I deem the subject of so much importance that I am willing to hazard the delay of the Municipal Corporations Bill for a short time, while I direct the attention of the House to some recent events in that unfortunate country—Ireland. By reference to certain public papers we find that Orange Lodges have been carried to a great extent there; that they have been established in various regiments, and that as late as the 28th of April last two or more commissions—

Colonel *Perceval:* I rise to order; there is a Question before the House, to which what the hon. Member for Middlesex says has no reference. If he makes a motion without notice it will be my duty, and that of other Members to counteract his *ex parte* statements, and to repel his attacks; let him give a notice for a future day.

Mr. *Hume*: My object is not to raise a discussion now; if hon. Members will but hear what I have to say. A Committee has been sitting, appointed by the House to take evidence respecting Orange Societies, and I find from newspapers published in Dublin, as well as in London, that part of that evidence has been communicated by Members of the Committee. In an Orange newspaper of the 6th of July——

Mr. *Wilson Patten*: As Chairman of that Committee I protest against such an imputation.

The *Speaker*: The Question is, that the Order of the Day be read for the House to resolve itself into a Committee on the Municipal Corporations' Bill, and I do not see how Orange Lodges can have any reference to that Motion.

Mr. *Hume:* I apprehend that it rests entirely with the discretion of the House and of the Members. I am perfectly in order, for I can move an amendment upon any motion, but it is not my wish to do so unnecessarily. I will move if I am obliged, but I wish to submit to the House whether it will not agree that the evidence taken before the Committee on Orange Associations should be laid upon the Table. When that is done, and when we have also the orders of the Commander-in-chief respecting Orange Lodges, for which I am to move in the course of the evening, the House will be in a condition to decide upon a subject of great importance. The question does not involve ordinary individuals; but, if I am correctly informed, it goes to imply that a person of the highest rank in the country has been guilty of high crimes and misdemeanours against the State. If the House is willing that the evidence should be produced, I will not say one word more now, but the moment it is upon the Table I will submit a Motion. I beg to ask the hon Chairman of the Committee whether the evidence is terminated, and whether it is in a condition to be laid before the House?

Mr. *Wilson Patten:* In reply, I beg to

say that the Committee did not meet this morning. When it does meet, I will obtain its opinion whether the evidence ought to be laid upon the Table. A great many witnesses have recently been summoned, and it may be doubted whether the inquiry can be closed in the present Session. I believe it to be the general opinion of the Committee, from the nature of the evidence, which has been brought forward somewhat in the shape of accusation and defence, that it would not be fit to communicate it to the House until it has been given fully on both sides. I may take this opportunity of saying that the Committee has witnessed with great regret communications made to newspapers in Ireland of the proceedings of the Committee. I have seen several statements totally the reverse of the truth: I have seen evidence in English papers also, extremely incorrectly given; but other representations of what has passed in the Committee are true: which are true, and which untrue, I am not authorized by the Committee to mention.

Mr. *Finn*, as a member of the Committee, thought that the part of the evidence relating to the army being complete in itself, might be laid upon the Table without detriment.

An *Hon. Member* objected to any such statements being made by a member of the Committee.

Mr. *Finn* contended that he was justified in offering his opinion.

The *Speaker:* It seems to me that no communication of facts should be made without the sanction of the Committee, but the hon. Chairman was quite in order when he informed the House of the extent to which the evidence had already gone. He did not refer to any particular head of evidence, but to the general course of examination.

Mr. *Wilson Patten:* At the next meeting, on Monday, I will take the sense of the Committee on the question whether any of the evidence ought to be laid before the House.

Mr. *Hume*: Then all I will now do is, to give notice that on Tuesday next I will move that the Select Committee on Orange Lodges be directed to report the evidence already taken as to the prevalence and extent of Orange Lodges in the Army at home and abroad, together with copies of any documents for which the Committee may have sent.

Corporation Reform—Committee.] The House resolved itself into Committee on the Municipal Corporation Reform Bill.

On Clause 62 being proposed,

Mr. *Parrott* wished to move an Amendment. This Clause gave the Council of every borough to which a separate Commission of the peace should be granted, power to grant alehouse licences. The Amendment which he wished to propose was to empower the Councils of boroughs not having a Commission of the peace, to grant licences to persons to keep inns, alehouses, and victualling houses in the same way as the Councils in the larger boroughs were empowered to do. He also thought it would be necessary to introduce a Clause specially to restrain the county Magistrates from granting licences in any of the boroughs. He therefore moved, that the words "to which a separate Commission of the peace shall have been granted" be omitted.

Mr. *Grote* supported the proposition, which in his opinion would effect a material improvement in the Bill, and prevent jobbing and corrupt practices in reference to licences. The power of county Magistrates to grant licences in the smaller boroughs might easily be rendered subservient to improper purposes, and on that ground he supported the Amendment.

Lord *John Russell* said, that although he felt justified in proposing that the power of granting alehouse licences, which had been enjoyed by the county Magistrates ever since the time of Edward 6th, should be taken away in certain cases, yet he was not prepared to do so in all cases. He was of opinion that in the larger boroughs, those persons who would be chosen members of the Council would be of sufficient weight and consideration, and would have a sufficient degree of responsibility imposed on them, to allow of their exercising the power of granting licences without the intervention of the Magistrates; but he could not agree that the same argument held good with respect to the members of the Council in the smaller boroughs. He had endeavoured to carry the improved principal as far as it was proper; but he was not disposed to give any great powers to the Councils of small and insignificant towns. He thought it would be better to leave these towns under the jurisdiction of the county Magistrates. He, therefore, begged his hon. Friend not to persist in the Amendment he had now proposed.

Mr. *Aglionby* regretted that the noble

Lord should oppose the Amendment, because he was sure that by so doing the noble Lord would not give satisfaction to the country. He entreated the noble Lord not to do anything to strengthen the political power which was already in the hands of the Magistracy. In that part of the country with which he was more particularly acquainted he knew that the licensing system was the strongest political engine the Magistrates possessed. It was well known the Magistrates were the mere nominees of the Lord-lieutenant, and that in exercising their power of granting licences they invariably favoured their own partisans; and as they themselves were only the nominees of the Lord-lieutenant, their partisans must necessarily be the partisans of the Lord-lieutenant himself. Now, it was likewise very well known that the Lord-lieutenant of the county of Cumberland entertained political opinions quite opposite to those entertained by the noble Lord the Secretary for the Home Department. He would, therefore, again entreat the noble Lord not to strengthen the power of his political opponents by resisting the present Amendment.

Mr. *Lawson* deprecated the principle of giving the power of licensing to the Town Council in any borough. He begged to repudiate, in the strongest terms, the attack which had been made upon the Magistrates of the country; it was a gross libel.

Mr. *Charles Buller* was quite willing to admit that the attack was a libel on the principle of the English law—but the greater the truth the greater the libel. The Lord-lieutenants jobbed in the appointment of the Magistrates, and the Magistrates jobbed in the discharge of their duty. He would prefer taking the power of licensing from the Magistrates in all cases.

Mr. *G. F. Young* deprecated the attack on the Magistracy. He admitted that they had not in every case properly discharged their duty; but he thought the House ought not to condemn their character generally, on a few incidental circumstances.

Mr. *Warburton* said, it was matter of history on the Reports of Committees of the House that the Magistrates had abused the power of licensing; and in order that the public might not be thrown prostrate before them, he should vote for the Amendment.

Mr. *Arthur Chichester* defended the conduct of the Magistrates, and contended that they were a body with whom no nation could produce a parallel. He felt bound to oppose the Amendment of the hon. Member for Totness.

Mr. *Ewart* objected to intrusting the Magistrates with the power of licensing, on the ground that it was not one for the exercise of which they were not sufficiently responsible, either to the Government or to the people. For this reason he should decidedly vote for the Amendment.

Sir *Robert Inglis* defended the conduct of the Magistracy, and opposed the proposition of the hon. Member for Totness.

Mr. *Parrott*, in deference to the opinion of the House, consented to withdraw his Amendment.

Amendment withdrawn.

Mr. *Lawson* rose to move a proviso, which he hoped would meet with the noble Lord's approbation. As the Clause then stood, the Town-Council were to be invested with the whole power of licensing. He wished to know how any individual could bring his action, having been refused, against the Council of any borough within the Act. The proviso he meant to propose was, to provide that the Corporate Funds might not be used in defending the action against any such individual, that he might have a fair chance against any Magistrate of the Town-Council by whom his license might have been refused. It provided, "that no Corporate Funds be ever applied to paying any penalties to which any Town-Council or Town-Clerk may be justly liable in any action or suit, or to the paying of any costs pending any action or suit, brought against them or him for the recovery of such penalties."

The *Attorney-General* said, no action could be brought against any Town-Council, in which, if damages were obtained, it would not be a most gross misapplication of the funds of the Town-Council, to apply them to the payment of those damages. He could, therefore, assure the hon. Member that his proviso was wholly unnecessary, as the Corporate Funds could never be applied to such purpose.

Amendment withdrawn, and Clause agreed to.

On Clause 64,

Mr. *Hughes Hughes* rose to repeat the Amendment which he had before attempted to carry, for giving the Recorder and Magistrates of the boroughs concurrent jurisdiction with the Town-Council, in licensing alehouses, &c. Having stated his reasons on a recent occasion, he should not trespass at any length on the Committee at present. But there were one or two arguments in favour of his Amendment, which he would just take the liberty of stating. He knew an instance in which, as the Clause stood, a charitable person having built some almshouses, and vested them in four aldermen of the borough, he would, by the Bill, be prevented from having any right to vote at all in the election of persons into his own charity, simply because he had vested in four Aldermen the right of electing and presenting unto the almshouses, he would have no voice at all in it. This was one of the many instances in which the rights of persons now living would be affected by the Bill. There were many other institutions in which, if the founders were alive, they would protest against such alterations of the testament by which they appropriated their property to particular purposes. Now, if the power were placed in the hands of Magistrates acting under the King's Commission of the Peace, there would be a far greater degree of assurance that the election of persons into these almshouses would not be conducted for political purposes, than if the power were in the hands of the Town-Council annually elected. Would any one say, that, in charities solely vested in the Town-Council, those would not be much more likely to obtain the benefit of these charities who voted for them at the annual elections? or that those who acted under his Majesty's Commission of the Peace would not be expected to exercise the right of appointment in those cases with less view to political purposes, or the security of elections, than the Town-Councillors. The Magistrates could have no object to grant it, as the Town-Council would have. In many charities (at Oxford) they were vested in the Mayor, Recorder, and Aldermen. The noble Lord retained the Aldermen, and, surely, he might continue the Recorder and Magistrates, if there were any, in a borough, acting for that borough, conjointly with those charitable trustees, and the noble Lord might secure to them the right of presenting to those charities. As he understood, the noble Lord would have no objection to that, he was sure that his suggestion was founded in equity, and was agreeable to the will of the donors. Why should those persons be excluded from all connexion, in conjunction with the Town-Council appointed under the Act, as the charitable trustees. That was the nature of his proposition. Having urged it on a former occasion, he would not say any more at present. He only begged the noble Lord to bear in mind the case of the individual which he had mentioned, who, having vested four Aldermen with the right of presentation to the almshouses, would, if the Clause passed as it stood, have, in future, no right of voting in the elections for his own charity. In conclusion, he begged leave to move the following Amendment—" together with the Recorder for the time being in any such borough, and all persons acting under the Commission of the Peace for the said borough."

Lord *John Russell:* "I am of opinion that all persons ought to be responsible for the duties imposed on them under this Act, and that there ought not to be imposed on them other duties, for which they will not be immediately responsible. I think this is the fault of the hon. Member's Amendment. We propose that the Town-Council shall appoint a certain number of persons as trustees of the charities in the borough—that it would make it their especial duty to take care of the interests confided to them in that capacity, and they would be amenable for neglect of duty or breach of trust. It is proposed to add to these the "Recorder and the Magistrates of any such borough." Now these, having other duties to perform, and qualified in a much different manner, would be much more likely to neglect the duties which the hon. Member proposes to throw on them, because engaged in other duties, and considering, naturally, that these were not immediately under their superintendence. We should put them into the situation of being personally liable to duties for which they were not personally bound, and reduce that species of security which is the best in all such cases—viz., the pointing out the exact persons to whom you propose the intrusting those duties, and the holding these, and these alone, personally responsible for the due performance of them. This consideration appears to me a sufficient reason for not agreeing with the hon. Member's Amendment, and, though I am as anxious as he is to separate all charities from political purposes, I feel bound to oppose it."

Mr. *M'Lean* said, the argument of the noble Lord went upon the principle that the persons proposed to be added would be unable to attend to their new duties. Now, that argument would equally apply to the Town-Council, separated as it would be into different Committees for the better discharge of their duties, who might be all of them engaged as charitable trustees. He (Mr. M'Lean) was convinced it was the wish of the noble Lord to make such distinct provision as the case might admit of. But he would put it to the noble Lord whether Councillors might not, under the present Clause, erect themselves into charitable trustees. The Clause enabled them to elect not less than nine, but it did not point out the individual persons. Care was taken that the members for the Town-Council should be qualified for being members, but there was no provision against Councillors being elected who were trustees; and as they would be perfectly irresponsible, they might, any three of them, dispose at a meeting of all the property, no security whatever being taken of them as trustees. He saw the possibility, nay the probability, of such abuses; and he, therefore, thought that all possible precaution should be taken against such possibility of malversation in the charitable funds, and that security would be given by the admission of respectable persons, such as the Recorder, Magistrates, &c., into the management; he hoped that those precautions would not be passed over by the noble Lord in the final settlement of this great measure.

Lord *John Russell* remarked that the case which the hon. Member for Oxford had stated was certainly a hard one. But it was impossible, in a measure of this kind to legislate for particular instances. Moreover, he must observe, that if the individual alluded to was remarkable for his benevolence and wisdom, the Town-Council would certainly pay some attention to his recommendations.

Amendment withdrawn.

On Clause 127,

Mr. *Maclean* rose and said, that at the request of his constituents, he had given notice of his intention to move to add a proviso to this Clause, with a view to relieve them from a very disagreeable and troublesome ceremony. It had long been the custom for the mayor of Oxford, previously to entering upon his office, attended by sixty-two of the burgesses of the city, to appear before the Vice-Chancellor of the University at the high altar of St. Mary's-Church, and there to take an oath to observe all the customs and privileges of the University. Now this had always been felt to be a serious grievance by the citizens, and he earnestly hoped the House would now relieve them from it. It had always been his desire to maintain the privileges of the University, and on more than one occasion he had found the University willing to yield some objectionable claims, when their charter did not interfere. He trusted, therefore, that this extreme privilege would not be insisted on. He was not aware that the hon. Member for the University of Oxford entertained any objection to his Motion, and he should therefore move this proviso be added to the Clause—" Provided always, that in place and stead of the present custom of the mayor of the city of Oxford, previously to entering upon his office, attended by sixty-two of the burgesses, appearing before the Vice-Chancellor of the University of Oxford, at the high altar of St. Mary's Church, in the said city, and making oath to observe all the customs and privileges of the said University, the mayor shall, previously to entering upon his office, attend and take such oath before the Vice-Chancellor, at his residence, in like manner as is now done by the Sheriff of the county of Oxford."

Mr. *Estcourt* said, that the proviso appeared to him totally inconsistent with the object of the Act, and if that was the only ground for opposing it, he should object to it on that score alone. But there were other reasons why he did not agree to the proposition of his hon. and learned Friend. This custom had been established for many hundred years, and it had never produced any serious inconvenience. It should be remembered also, that this privilege had been conferred upon the University by Royal Charter, and had been confirmed by successive Parliaments. He denied the value of the comparison drawn by his hon. and learned Friend between the Sheriff and the Mayor. The Sheriff took the oaths for himself, but the mayor for the whole of the citizens of Oxford.

Mr. *Maclean*, in reply, said, that he should be very happy to leave the question to the consideration of the University itself, for he was sure that they would look at it in a liberal spirit.

The proviso was withdrawn.

On Clause 12th—one of the postponed Clauses—

Sir *William Follett* said, that in this Clause the noble Lord had conceded the principle that persons having inchoate rights to the property mentioned in it should be entitled to the full advantages to be derived from such property; but it appeared to him that the Clause as it was framed did not carry into effect the intention of the

Bill. The noble Lord could, therefore, have no objection to the Amendment he was going to propose, as it was designed to attain the same end with greater certainty. He did not object to the person to whom the preparation of the lists was to be intrusted; but as it was agreed upon as a fundamental principle of the Clause, that all persons having inchoate rights should have their full enjoyment secured to them, he objected to the time and the mode defined by the Bill for this purpose. Every person to whom these privileges of property were to be reserved, was to have his name inserted in a list to be made out by the mayor on or before the 25th of October in this year, and no person whose name did not appear in such list was to have any right to such property. Now, he must observe, that by the Clause, no notice was required to be given by the person claiming any right to property of this nature, or by any person claiming on his behalf, but the mayor was to make out the list on his own authority, and when it was made out it was to be conclusive against every one not in that list, but not to be conclusive in favour of those who appeared in it. Now let the House consider the situation of a person having inchoate rights in a great trading town. Many persons answering to this description would probably be at sea when this Act passed. Were they to be deprived of their rights on this account? The case of a soldier or sailor on service would be similar. Were they also to lose their rights? Persons of all ages would be entitled under the Clause, yet how were infants without guardians to put in their claims before the 25th of October, 1835. Were they to be excluded? A very great number of persons of the poorer classes could not possibly get their names put on the list by the time appointed. Take, for instance, the case of Hull. A great number of persons who ought to possess these rights would not return to their native town till the time fixed had elapsed, and would it be fair that the noble Lord should say to them, "Here are a number of persons in the same condition with yourselves, whom we have admitted to the enjoyment of this property, but because you were away you shall be excluded?" The first thing he wished to do was to extend the time. The Bill could not pass before the beginning of September, and then there would not be above six or seven weeks for making out the lists. He should propose, therefore, that the day fixed should be the 25th of October, 1836, and he saw no objection that could be raised to this proposition, as it was not likely that any fraudulent claim would be made in consequence of the delay thus interposed. With regard to the right of any person not in the country at the time, he should move that no one should be put upon the list unless such person should have made out his claim within six months after his return to England, and in other cases, unless some sufficient reason, to be allowed by the mayor for the time being, for not having made his claim, should be shown, and in such case the mayor should be required to put such name on the list of persons entitled. He would take the opportunity of observing that the Clause which enabled Corporations to purchase out the rights of persons thus entitled was very objectionably framed. In the first place, it compelled every existing freeman to sell his rights. It gave him no option, but he was compellable, if the Council thought fit to buy, to sell his interest, and not only his own, but his wife's or children's. Another very strong feature of objection was, that the money was to go into the pocket of the husband or father, and no provision was made for the benefit of the wife, or children. The hon. and learned Gentleman moved an Amendment to the effect, the object described in his speech.

Lord *John Russell* was understood to say, that the period of the 25th October, 1835, had been fixed, because at that time the old Corporations would cease to exist, and the new Councils would come into being. To the general extension of the time, he was not disposed to assent; but to some proviso, reserving the rights of persons absent beyond seas, he should have no objection; with respect to the other Clause, compelling the sale of freemen's rights of property, he did think that some such power ought to be given to the new Council, with a view to the general interest.

Mr. *Lowther* supported the proposition of the hon. and learned Member for Exeter, for extending the time in the case of persons beyond seas.

Mr. *Warburton* thought it necessary that at some time a precise list should be obtained; and, therefore, that some limitation should be fixed for the case of persons beyond seas.

An Amendment was inserted as assented to by Lord John Russell.

Clause agreed to.

Sir *Robert Inglis* in rising to move the Clause of which he had given notice, said, his object was, to make the Bill as perfect as he could consistently with his own principles. He did not mean to say that if the Clause proposed were adopted, he should think the Bill very materially improved; far from it. But if it were adopted, he considered the alteration would be consistent with the principles of the Constitution; and not inconsistent, even with the principles upon which the Bill was founded. The hon. and learned Attorney-General had stated, (in a speech which lasted for above one-quarter of an hour) with reference to the 128th Clause, that a fair majority of the inhabitants ought to decide whether a town should receive the benefits of the Bill, which under that Clause they were to be entitled to if they pleased. All he asked, in the Clause which he now introduced, was, that the Boroughs included in the Schedules annexed to the Bill might equally receive the privileges conferred by this Bill upon them if the majority of the Registered Burgesses should be willing to accept of them. But that it should not be enforced upon the inhabitants of those boroughs any more than upon the inhabitants of the town of Nottingham with respect to which, Clause 128 provided, that there must be a clear majority of the inhabitants accepting the Bill before the Charter of incorporation containing any of the provisions of this Bill could be introduced. He (Sir R. H. Inglis) asked the same thing for Liverpool, for Bristol, &c. namely: that when the Burgess roll was made up according to the provisions of the Bill there should be the assent of the majority of the Burgesses (to be ascertained in some way or another as it should be seen fit) expressed, before any other provisions of the Bill were introduced. There was not a lawyer in the House who was not aware that if the King were pleased to grant a corporation to the 658 gentlemen by whom he was surrounded:—that the Charter would be good for nothing till accepted by the majority of those gentlemen. It was not in the power of his Majesty to confer chartered rights, or demand chartered duties, without ascertaining that the majority were willing to accept the one, and receive the others. If he were proposing any plan which tended to weaken the just power of the King he should not expect, nor have any right to expect, the slightest attention: but he was certain that the Clause he proposed did not in any degree trench upon those rights. It merely required the promoters of the Bill should take the slight trouble of intimating their intention of imposing the Bill before they did impose it upon any borough. They were making a very great change: upon a given day, all the Corporations in England and Wales—all the Municipal Authorities, would cease to exist: and an entirely new state of Authorities would come into exercise. It might happen, (he entered not now upon general principles)—nay he would take it for granted, that they were right: but he still said, that it never could be right that they should impose upon the unwilling, and the willing, a uniform system,—and enforce it whether good or bad upon every borough in the Kingdom. Let the men who were willing submit to the measure: but let not those who were unwilling be constrained. Let not the Noble Lord make one uniform system applicable to all bodies Corporate—that was all he asked: that the same system (for instance) which was imposed upon Manchester should not be enforced without consent, upon Liverpool. The Clause he proposed was this:—"And be it further enacted, that, excepting so far as relates to the granting the burgess right to all the inhabitants of the borough—and the making up of the burgess-roll of the inhabitants of such boroughs (as hereinafter mentioned)—that no provision shall be enacted, or come into operation in any borough, until the majority of the Town-Council shall (by writing or in any other way) have accepted the Constitution thereby enacted."

Lord *John Russell* objected to the Clause that it was wholely inconsistent with the preamble and recital of the Bill.

Negatived without a division.

Sir Robert Inglis moved the following Clause:—"That the Town-Council shall be styled the Court of the Mayor and Council of our Lord the King in and for the borough of A, and shall have the powers of a Court of Record."

Negatived without a division; as were also the Clauses moved by Sir Robert Inglis to the effect,—"That members of the Town-Council shall not be removeable, except by the absolute majority of the Burgesses registered in the borough:" "That Municipal Oaths shall be taken by the Burgesses, and by the Mayor and members of the Town-Council, and by the Recorder and Town-Clerk."

Mr. Brodie moved the following Clause:—"And be it further enacted, that in no case where there is a trust now existing for charitable uses, in which it is required that every person shall be disqualified to act in the trust, if he shall become a member of a body Corporate, shall any person, being such trustee, be disqualified to act in the trust, in consequence of his being elected a member of the Town-Council of any city or borough under this Act."

Lord *John Russell* said, that it appeared to him that to agree to this Clause would be to set aside one of the provisions of the Bill.

Clause negatived without a division.

Sir *John Yarde Buller* rose to move the insertion of a Clause depriving the Dissenting Members of Town-Councils from disposing of Church patronage. Under the Bill it was to be expected that numerous Dissenters would be elected Councillors; and in cases where the boroughs were possessed of property they would become possessed of the power of disposing of that property; including, of course, the power of disposing of Church patronage. The principle on which he ventured to propose the Clause was this. He did not think it useful that Dissenters should have any interest whatever in the management of the Established Church. And he found, on reference to a former Act, that he was not asserting a new principle. The 5th Geo. 4th (the Church Bill) provided that the members of the Church of England were to have the management of the Church property. And the 10th Geo. 4th (Catholic Relief) prohibited any Member of the Catholic Church from holding any such trust. He (Sir J. Y. Buller) thought it only fit that Dissenters should be placed in the same situation with respect to Church property as Roman Catholics were. But in stating his opinion on the subject, he thought he should not be opposed by Dissenters themselves as he found they had expressed a desire not to interfere with the management, or discipline, of the Church of England and among others, the hon. and learned member for Dublin, on behalf of the Catholics, had stated a very strong opinion on the subject. It might be objected to such a provision perhaps, that under the law it was well known Dissenters did enjoy the power of holding presentations to livings. But he could not see why the defect of the law on one point should be brought as an argument against remedying it when they had the means. The Committee of the Town-Council would under the Bill have the same Ecclesiastical patronage as the whole Council now had; and he, therefore, without further remark, moved the insertion of the Clause as it stood on the Notice-List. The hon. Member accordingly moved that the following Clause be added:—"And whereas certain bodies corporate are seized or possessed of divers advowsons or rights of presentation to rectories, vicarages, and other ecclesiastical benefices, and also of churches or chapels devoted to the purpose of religious worship, according to the rites of the Established Church of England: And whereas it is expedient that the exercise of such right of presentation, and the direction, care, and superintendance of such churches and chapels, and of all the matters and things relating thereto, be in the direction of, and exclusively vested in, members of the Established Church of England: Be it therefore enacted, that in every borough in which the body corporate is seized or possessed of any advowson or right of presentation to any rectory, vicarage, or other ecclesiastical benefice, or is seized or possessed of any church or chapel devoted to the purpose of religious worship, according to the rights of the Established Church of England, the Council of such borough shall, on the 1st day of November, in this and every succeeding year, nominate and appoint out of their own body a committee for the management of the Ecclesiastical property and affairs of such body corporate, such committee to be composed of persons being members of the Established Church of England, and such committee exclusively shall exercise the right of presenting to every such rectory or vicarage, and other Ecclesiastical benefices, and shall also have the entire and exclusive care, management, superintendence, direction, and control of the said churches and chapels, and all matters, proceedings, and regulations whatsoever connected therewith, and over which the body corporate have now any power or authority, and shall do or cause to be done at the costs, charges, and expense of such body corporate, all acts and things which the said committee may deem necessary or expedient for the maintenance, keeping up, and support of such churches and chapels, in the same manner and in all respects as the same have been hitherto maintained, kept up and supported by the body corporate to which the said churches and chapels belong.

"And be it enacted that all the acts of the committee for the management of the

Ecclesiastical property and affairs of a body corporate appointed under this Act, shall be done at some meeting at which not less than one half of the whole number of the committee shall be present, and a majority of those present shall concur in such Acts, otherwise they shall be void and of none effect; and at every meeting the members of the committee present shall choose a chairman, and in case of equality of votes, the chairman for the time being shall have a second or casting vote; and all the resolutions of the said committee shall be entered in a book, to be kept by the Town-Clerk of the body corporate, who shall attend the meetings of the said committee, and the said book shall be open at all reasonable times without fee, to the inspection of any Councillor. Provided nevertheless that no act or proceeding of the said committee, in the execution of the powers or authorities given to, or vested in, them by this Act, shall require or be submitted for approval or confirmation to the Council."

Lord *John Russell* thought that such a Clause would be improperly introduced in such a Bill as the present; and that it would be contradictory to several enactments of the Bill. The Bill gave no additional power to Dissenters—the principle was already by law established, and there were at present some Corporations in which they had a decided majority. Ecclesiastical endowments would only be disposed of in the same manner under the Bill as at present: if, therefore, they introduced such a Clause it would be without any immediate necessity, and it was placing the disability on religious grounds. He was not fond of introducing religious tests, and he was afraid that so far from strengthening the Church of England they would weaken it, by introducing restrictions which had been recently abolished. The greatest danger would result, in his opinion, from conferring peculiar advantages upon those of the Council who might happen to be members of the Church of England. Nothing could be worse than that there should be a corporate body of twelve—six of whom should have the power to dispose of Church livings, and the other six, being Dissenters, should be excluded from any participation in that power:—they would naturally say you have an opportunity of benefitting your friends, of which we are deprived. For his part he did not see that such security was necessary; there was none now, and it was possible for a man, although he might not agree with all parties of the Church, to dispose of Church property as conscientiously as the members of the Church themselves. There were instances without number of persons who do not belong to the Church having the power of nominating to its livings. He should resist the present Clause, thinking it unnecessary, while, if any such provision were introduced, the Clause proposed was not the best which might be proposed.

Mr. *Goulburn* wished the House to understand the real state of the question. The noble Lord had stated that the Bill made no alteration in the state of the law at present, or with respect to the power of appointing to benefices. Now, he was at direct issue with the noble Lord upon that point; and he thought he could satisfy him and the House that the Bill did make an alteration in the principles laid down by Parliament; and if the noble Lord acted on principle, and really meant that things as to this subject should stand on the same footing as they did at present, he would not resist the alteration recommended for the purpose of giving effect to the noble Lord's own intentions. The noble Lord was aware that the livings which were in the patronage of Catholics could not be appointed to by those Catholics, but that the right of presentation to those livings was vested in those who professed the doctrines of the Church of England. When the Legislature thought proper to give relief to the Catholics they did continue this restriction on them by the Act of 1829. The right of appointment to any benefice was taken from them; and yet, by the general Clause at the beginning of this Act, the noble Lord substantially repealed that provision of the law. After the passing of the present measure Roman Catholics would have the power of presenting to benefices in their patronage. He (Mr. Goulburn) said, therefore, that if the noble Lord rested on the state of the law at present, he was bound, so far as to Catholics, to conform to that specific provision. But he agreed with his hon. Friend (Sir J. Y. Buller) that, independently of the express provision on the statute-books (of which he thought they had a right to demand the re-enaction), it was not proper that those who professed opinions at variance with the Established Church should have invested in them the right of patronage over that Church. The noble Lord might tell him that such an exception as that proposed would beget ill will; if they were conscientious men, he (Mr. Goulburn) did not believe there would be ill will. However opposed he might be to the Roman Catholics, he for one had no desire to appoint individuals to the superintendence of Catholic churches. He should feel it a most painful duty were it imposed upon him, from which he should urge Parliament to relieve him. And, therefore, as he said before, he could not conceive on what principle it was, that the noble Lord rested his proposal. The noble Lord said, that even if it were desirable to attain the object, it should be pursued by another course. He did not wish to quarrel as to the mode; if the noble Lord could propose any other method which, in his opinion appeared calculated to attain the same object in a manner more agreeable to the feelings of Dissenters, it was to him a matter of perfect indifference, he only wished to remove the dissatisfaction which he believed would remain if appointments in the Church were dispensed by parties dissenting from the Church; for he was certain, if any improper appointments were made, the public observation would be called to the character of the persons nominating, and a feeling would arise in the country which would render their situation little to be desired. He would press the subject no longer at present. He wished to call the attention of the House to the propriety of giving to the Roman Catholics a power which they never before possessed; and, with respect to Dissenters, extending to them authority which, on other grounds, he for one should have thought it inexpedient for themselves that they should hold.

Viscount *Howick* observed, that when this question was brought forward the other night, hon. Gentlemen on the opposite side grounded their desire for the introduction of some such Clause as this, not upon the danger of Ecclesiastical patronage falling into the hands of the Catholics, but into the hands of Protestant Dissenters. They all knew that, in point of fact, in the great towns of this kingdom, the Catholics were few indeed in number; it was against Dissenters, therefore, that the measure of the hon. Baronet was chiefly levelled—it was of Dissenters that the hon. Member for the University of Cambridge entertained such a fearful jealousy. Now, with regard to Dissenters, what was the state of the law? Not only might they be members of corporations interested in Ecclesiastical patronage, but they might, at the present day, hold that patronage to any amount in their hands. It was true that the Bill for the Relief of Dissenters was proposed by his noble Friend, but after it had been carried by a considerable majority it was adopted by the late Government, and when that Act passed, the right hon. Member opposite (Mr. Goulburn), was a member of the Government, and was, therefore, in some sort responsible. By that Act a Dissenter might not only be a member of a Corporation, but there was nothing in the world to prevent a Dissenter from being Lord Chancellor or Prime Minister of England, and so giving away every Bishopric and a considerable number of livings. Therefore, it was not the principle on which Parliament had acted to distrust the exercise of that power in Dissenters, nor did he (Lord Howick) know on what ground that distrust should now, for the first time, be exhibited, and exhibited as to the patronage of Corporations. His noble Friend had stated (he thought correctly), that it was much better to leave the security against improper appointments to those who made the selection of persons to take orders than by filling up the livings, or presenting to churches. The ordination was in the hands of the Bishop, and it had been the principle on which the Legislature acted in the Test and Corporation Act (Repeal), to take it for granted that, as the Bishops had the power by law of selecting such as were proper persons to officiate as clergymen, so the Bench of Bishops were responsible if any improper persons were appointed, and, therefore, it might be permitted that Dissenters should choose from among the persons approved of by the Bishops, who were to be appointed to particular livings. That was a wise and just principle of legislation, and he (Lord Howick) must confess he thought that, far from contributing to the safety, or the honour, or the welfare, of the Church, the Clause proposed would only lead to injure and weaken it. They were much mistaken if they thought the Church of England could ultimately rest upon any other grounds than the affection, and esteem, and protection of the great bulk of the people of this country; and they were no friends of the Church who would wish to rely, not upon the broad ground of that love and esteem, but on laws and restrictions which one Parliament might pass, and another repeal. On these grounds he should most decidedly oppose the Clause. He thought it would be impolitic, in the last degree, when they had swept away so many distinctions now existing, that they should again revive one which he considered they had so happily done away with. He thought that calling on persons to declare if they belonged to this or to that sect would increase the jealousy which at present existed, and widen those differences that too often prevailed. He, therefore, hoped the House would concur with him in resisting the Amendment now proposed.

The Clause was negatived.

Schedules agreed to, and the House resumed. The Report was received, and the Bill ordered to be read a third time on Monday.

## HOUSE OF LORDS,

### *Monday, July* 20, 1835.

MINUTES.] Bill. Read a second time:—On the Motion of the Archbishop of CANTERBURY, Sinecure Church Preferment; Seamen's Enlistment.

POOR LAW AMENDMENT ACT.] Lord *Teynham* said, he had given notice of an intention to move for certain Returns relative to the trials and convictions of several men in the county of Kent, for riots and assaults which had been committed by them, and which, he believed, would never have happened, had they not been injured by the provisions of the new Poor-law Act; but as he found that the same papers had been moved for in the House of Commons, he should suppose that there would be no objection to his Motion. He should, however, proceed as briefly as the subject allowed, to inform their Lordships of the consequences that were likely to arise from the feeling which pervaded the minds of the agricultural labouring classes. He should not detain their Lordships longer than he could possibly help. He had given notice of his intention to move for the documents he had referred to, in consequence of the strong feeling entertained in the county of Kent on the subject of the convictions of those poor men who had opposed the unconstitutional proceedings under the Poor-law Act. The trials of those persons had taken place at the sessions, and he would venture to assert, that the severity of the punishments inflicted upon them was without a parallel. In the county of Kent, some of the persons who had offended against this Act had been sentenced to two years' imprisonment; whilst, in another part of the country, a person had been sentenced to but one month's imprisonment for a similar offence. The convictions were as numerous, too, as they were unprecedented. In proof of this, he might read a letter which he now held in his hand, from an extensive farmer—a most respectable inhabitant of the county. The feeling in the county was very strong on the subject, as that letter showed; and he was sure that the noble Viscount at the head of the Government would not refuse to listen to the representations of those people, however humble they might be, or however humble was the individual who brought the matter under the notice of their Lordships. It was his intention, when these Returns were produced, to move an address to the Crown on the subject of the conduct of the Magistracy of the county of Kent. All the evils which it was the object of his Motion to disclose, had been the consequences of the Poor-law Bill. He had ever reprobated and used his utmost endeavours against it. He had been fully convinced, from the first, that the operation of this Bill would destroy the character of the people of the country. If the character of the peasantry and working people of this country were destroyed, their Lordships would have the less resource to throw themselves back upon in the hour of need. Let the noble Lords opposite remember that; for they might soon be obliged to fall back upon the people of England. The ignorant and unfortunate were punished under this Bill. Many of the people who had been convicted under it of rioting, had not read this Bill, and were not able to read it; and he appealed to the Bishops to look after the state of the people, and the improvement of their morals and education for it was owing to the want of moral education that the riots and the other offences with which they were charged, had been committed. The noble Baron concluded by moving for—first, a Return of the number of persons committed, in England and Wales, upon charges of riot, assault, and other offences, under the Poor-law Amendment Act, from the 1st of June, 1834, to the 1st of June, 1835; secondly, a Return of all persons charged with such offences within the like period, specifying their names, employments, and other material particulars, together with the result of the charge.

The Marquess *Camden* said, that from the tenor of the noble Baron's observations, the Poor Laws themselves, and not the conduct of the Magistrates of the county of Kent, seemed to be the object of his censure.

Lord *Teynham*: No! no! [*cries of "Order!"*]

The Marquess Camden resumed, but was again interrupted by

Lord *Teynham,* who said, that he complained that the offences under the new Poor Laws had received punishments in other counties completely trivial as compared with those which had been inflicted in the county of Kent.

The Marquess *Camden* still thought that he had rightly described the object of the noble Baron's speech, however the noble Baron might now complain of the conduct of those particular Magistrates.

Lord *Teynham,* again interrupting, said, that when these returns were on the Table, he should move for an address to his Majesty to inquire into the business.

The Marquess *Camden* remarked, that to grant or refuse that inquiry would be the business of the Government. He understood that the principle on which the noble Baron now proceeded was, to show that there had not been as severe punishments for these offences in other counties as in the county of Kent. Whatever might be the ultimate result of this Motion, he left to the discretion of his Majesty and of their Lordships, so far as that result would be the consequence of the specific or general Return now applied for by the learned Baron. The noble Baron now charged the Magistrates of the county of Kent [Lord *Teynham*; Of East Kent] with having misconducted themselves in this matter. He (the Marquess Camden) should be able to satisfy their Lordships that there was not the slightest ground for the charge which the noble Baron had chosen to throw on the Magistrates of the county of Kent. All the evils against which the noble Baron had declaimed, all that he had said about destroying the character of the people of the country, were evils that were arising under the old system of the Poor-laws and from the bad administration of them. He was glad that he had been one of those who joined in grappling with those evils, and with the mischief which caused them, and was heartily glad that there had been so general a desire to provide against them. In consequence of the notice given by the noble Baron of this Motion he had thought it right to inform himself afresh of the particulars of the cases referred to, for those circumstances had not passed at the time without his being acquainted with them. He had looked, however, into papers to refresh his memory, in order the better to be able to address their Lordships on the subject. He was sorry to say that there had been serious disturbances in the county of Kent; but after having carefully informed himself of the facts, he must say that, so far from attaching blame to the Magistrates, they were, in his opinion, fully entitled to his thanks for the promptitude and firmness with which they had acted. The punishments chiefly objected to by the noble Baron were those inflicted upon two persons of the names of Merton and Robson. Of the former, it was proved that he went from parish to parish creating disturbances, that he prevented men from going to their work, and one particular instance of that kind, in the case of Daniel Goodyer, had been distinctly proved against him. The second person, Robson, was also proved on various occasions to have used most violent and ferocious language, such as saying that "he would have blood or money." On one occasion, the Magistrates could not quell the tumult till they sent to Chatham for the military, and for a time, indeed, they might be considered to have been in the hands of the rioters. The Magistrates felt, that this was the first effort, by violent means, to put a stop to the working of the Amendment Act: they deemed it the more necessary on that account to act with becoming firmness; and felt that they were called on to extinguish the riots by active exertion. He believed, that whatever the noble Baron might say, there was a general feeling of thankfulness in the country for the manner in which the Magistrates had conducted themselves, and had succeeded in putting the law in operation. As to the mode of the trial of these men he could assure their Lordships that the Quarter Sessions at which they were tried was a most numerous and respectable assemblage of the Magistrates of the county. The right hon. Baronet (the Member for the county) Sir Edward Knatchbull was not the Chairman as had once been supposed by the noble Baron, for upon his appointment to the important office which he had lately held, the right hon. Baronet had resigned his office as Chairman of the Sessions. If there was a general feeling among their Lordships that these Returns should be granted, he should bow to the decision, but he trusted there would be no such course adopted, as it would, in his mind, be passing a most undeserved censure upon the Magistrates.

Viscount *Duncannon* said, he had not till now heard of any complaint as to the conduct of the Magistracy of the county. He was not fully aware what was the circumstances alluded to while the noble Baron was addressing the House; but now that he had become aware of them, he was prepared fully to support the opinion expressed by the noble Marquess opposite. At the time in question, he transacted the business of the Home Office in the absence of his noble Friend (Lord John Russell) in Devonshire; and he was happy to say, from the knowledge he then obtained of this matter, that he fully concurred in the opinion of the noble Marquess, and thought that in speaking of the judicious conduct of the Magistracy he had not made use of terms sufficiently strong. He did not know how they could have been too severe in such a case, for, if he mistook not, one of the Magistrates was actually in the poor-house when it was blockaded by these rioters. The conduct of the Magistrates was most praiseworthy—it could not have been better. He should certainly not consent to the production of these papers.

The Duke of *Richmond* said, that it was hardly necessary for him to say anything after what had just fallen from his noble Friend. He begged, however, to observe, that he did not conceive, because a paper had been laid on the Table of the other House of Parliament, that therefore, it should be laid on the Table of their Lordships' House as a mere matter of course. He had listened to the speech of any noble Lord who moved for papers, and he had examined it to see if that speech justified their production. In the present instance it did not. It appeared here that the men who had been convicted, did not reside in the parish where they had committed the offences, but had gone from parish to parish, stirring up the people to riot. He thought that the Magistrates had acted most properly. In 1830, he knew that they had been abused for pursuing a different course. He believed, that if they had not shown too much lenity then, the riots which took place would not have extended as they did to Sussex, Hampshire, Wiltshire, Berkshire, and Bedfordshire. What was the conduct of the Magistracy on the present occasion? Why it marked their determination not to allow the law to be outraged by suffering men to go on in this manner. The noble Baron had shown in his own speech that these Returns ought not to be produced, and if they had been produced in the other House of Parliament, it was perhaps because there had been no one there at the time capable of explaining the matter. At all events, he should say to the present Motion Not Content.

The Marquess of *Lansdowne* understood, from the whole tenor of the speech of the noble Baron, that this was a Motion for what was in fact an actual inculpation of the Magistrates; and in order to prevent a misrepresentation from going abroad — a misrepresentation which it was in all cases of infinite importance to avoid, but which was more than ever important in the present instance, he considered it his duty to express his opinion on the subject. He concurred fully with his noble Friend near him that this Motion should be negatived lest it should be imagined here or elsewhere that this House had adopted with regard to the conduct of the Magistrates a censure which in his conscience he believed to be most unmerited, and which ought rather to be the subject of a vote giving them the approbation and support of their Lordships.

Lord *Teynham* was still resolved to call for the Returns. He was not to be intimidated by what was said there or elsewhere. If they carried this Act into effect, they must be prepared to immure two millions of people in work-houses. He was not sorry for bringing this subject before their Lordships; but he was sorry for their sake for the manner in which it had been received.

Motion negatived.

Corporation Commissioners — Mr. Hogg.] The Earl of *Aberdeen* called the attention of the House to the subject of Mr. Hogg's protest against the Report of the rest of the Municipal Corporation Commissioners, and begged to ask the noble Viscount at the head of the Government whether he meant to lay it on their Lordships' Table or not.

Viscount *Melbourne* said, that as to the protest of this learned Gentleman, if he had not agreed with the rest of his brother Commissioners he should have made a separate Report. This was not like the case of the Commissioners appointed to inquire into the state of the Scotch Universities, for their protests were made to the rest of the Commissioners and formed part of the Report; here that course had not been followed. In the present instance the Chief Commissioner had said, that it was not his duty to receive such a protest or to send it to his Majesty, and he had therefore declined to receive it. He (Lord Melbourne) was not, therefore, aware how he could reach the protest or lay it before the House. It had been suggested to the learned Gentleman by a noble Lord opposite that the Commissioner might petition the House on the subject, and embody the substance of his protest in a petition. It certainly was open to the learned Gentleman to pursue such a course, but their Lordships would say how far such a recommendation, tending to create so much prolixity in petitions, was to be encouraged. In his opinion the practice had been carried quite far enough, if not a great deal too far.

The Earl of *Aberdeen* said, that he wanted the protest of Mr. Hogg to accompany that of Sir F. Palgrave. He had presented by his Majesty's command, the Commissioners Report to the House. Sir F. Palgrave's protest accompanied it, and now he wanted to see what was in that of Mr. Hogg, he wanted to know what was the difference between the opinion and statements of Mr. Hogg and of the rest of the Commissioners. Of that Gentleman he knew nothing, but he saw him appointed to an important duty, and therefore presumed that his opinion was deemed worth notice, or he would not have been appointed. If his protest should be of a nature resembling that of Sir F. Palgrave, which was appended to the Report, it would be exceedingly important that their Lordships should be in possession of it; for without it they would lose much valuable information.

Viscount *Melbourne* said, that in his opinion the Chief Commissioners had acted erroneously in receiving the protest. He did not see the noble and learned Lord the Chief Baron of the Exchequer present, or their Lordships might perhaps learn that he had moved for a criminal information against Mr. Hogg in the Court of King's Bench.

Lord *Lyndhurst*: For his conduct before his appointment.

Viscount *Melbourne:* No; it was for his conduct as a Commissioner. The noble and learned Lord being then at the Bar, had acted as Counsel, so that perhaps his statement was hardly to be received in such a case. As to the protest, it was evidently the interest of the Government to produce it, if they could; for its non-production would have a worse effect than the protest itself; but he did not know how he could compel its production.

Lord *Wharncliffe* said, that he knew nothing of Mr. Hogg, and had never heard his name till recently. That Gentleman had, however, been sent down as a Commissioner, and now he sent in his protest, the Chief Commissioner refused to receive it. He should certainly make further inquiries into the subject.

Lord *Lyndhurst* said, that Mr. Hogg was a member of the Northern Circuit, and he had always considered him a very respectable person. With respect to what had been said as to the criminal information, the noble Viscount should have told them what it was for. He thought he was right in saying that it had either been refused or discharged — [*It was refused*] — and therefore it was to be presumed that the acts on which the application was made did not afford a sufficient ground for the charge. Mr. Hogg's inquiries were among some of the most important towns referred to in the Report. When the Report was about to be drawn up, he was not only no called on to be present, but he was not allowed to be present with the other Commissioners. He believed that when his Majesty appointed certain persons to be Commissioners, and to report to him on any subject, his Majesty intended that all the persons included in that Commission should assist in making the Report. How were they to know that the arguments laid by Mr. Hogg before the Secretary of State, if suffered to be laid before his brother Commissioners, would not have altered their opinions? It was altogether unjust to exclude Mr. Hogg's opinions, and the reasons on which he founded them. He was clearly of opinion that they ought to have the opinion of the Gentleman in question laid before them; because before they entered upon an inquiry of so important a nature as that which was about to take place, it was highly desirable that they should be in possession of every species of information that was calculated to lead them to a correct conclusion.

Lord *Skelmersdale* thought it was of the utmost importance that they should have laid on their Table, before they proceeded to legislate upon the measure, all the evidence which could be collected and all the opinions which could be procured from persons whom either inquiry or talent rendered competent to form one. It so happened that Mr. Hogg was one of the Commissioners sent down to the part of the country with which he was connected; and, when he stated to their Lordships that in consequence of the refusal of the Commissioners to embody in the general Report the opinions and evidence contained in the particular Report sent in by Mr. Hogg, he was in entire ignorance of the justice and policy of the measure as regarded the cases of several individual boroughs in the county to which he alluded, he put it to the House whether he was not justified in calling for its production? One of the towns to which Mr. Hogg was sent was Liverpool; and unless his opinions were brought forward, the House would be deciding without knowing whether circumstances justified the application of the measures to that particular Corporation. He was, therefore, glad to hear his noble Friend promise that steps should be taken for the production of the Report in question; and should his noble Friend find it necessary, in furtherance of this promise, to make any substantive Motion on the subject to the House, he confidently trusted that that spirit of justice and impartiality which had ever dignified their Lordships' proceedings would secure him all the assistance he might require at their hands.

Viscount *Melbourne* observed that notwithstanding what had fallen from a noble and learned Lord, it did not appear to be probable that the Report of the Commissioners would have been materially altered by any return which Mr. Hogg might have made. He entirely disclaimed having made an attack, or anything like an attack on that Gentleman.

The Earl of *Devon* was decidedly of opinion that in some shape or other the House ought to have the required information. His Majesty had sent Commissioners to inquire into the state of all the Municipal Corporations in the kingdom, and on the Report of those Commissioners, one of the most important measures that had ever been submitted to the consideration of Parliament was founded. It could not be intended that that Report should be made by the persons who took only one particular view of the question. The object clearly was, to have the opinion of all the Commissioners, as far as they had pursued their several investigations. He was aware that there were technical difficulties in the way of obtaining the required information. If a distinct Motion were made for it, the Secretary of State must of necessity make a return of *nil*; he not having any such information in his possession. Another mode of endeavouring to obtain it would be by appointing a Committee of their Lordships to inquire into the facts of the case. That had been done before; and this was peculiarly a case in which such a course might be advantageously resorted to; although he was aware that even that course would be attended with some inconveniences.

CORPORATION REFORM.] Lord *Grey* had a Petition to present relative to the subject which then occupied their Lordships' attention, and, although it was somewhat out of the proper time for offering it, he trusted their Lordships would, under the particular circumstances, excuse his doing so. It was the petition of a very numerous and respectable meeting at Newcastle-upon-Tyne, presided over by the Mayor of its Corporation, and its prayer was, that their Lordships might pass the Bill for the regulation of Municipal Corporations of England and Wales without in any way imparing its beneficial provisions or detracting from its efficiency. The petition was signed by the Mayor of Newcastle-upon-Tyne alone, but it was so signed by him as Chairman of the meeting; and, although, according to the rules of their Lordships' House, it could only be presented as the petition of the individual who had signed it, he had authority to state that it might be considered as an expression of the sense and opinion of the district in question as to the Bill to which it referred. He was aware that the presentation of a petition, praying their Lordships to pass a Bill not yet before them, was to a certain degree irregular; but as several petitions under like circumstances had been already received, and as he was not likely to have another opportunity of presenting it, being under the necessity of leaving town immediately, he trusted their Lordships would have no objection to receiving it. If its presentation were objected to, he would at once withdraw it and leave it in the hands of some noble Friend. The prayer of the petition, he repeated, was, that their Lordships might be pleased to pass unimpaired and unaffected the measure of Corporation Reform about to be presented for their consideration. He was glad to have that opportunity of declaring his hearty concurrence in and approbation of the measure to which the petition alluded. He had long seen with pain and anxiety the many abuses and anomalies existing in the Corporation system of the kingdom, and it had been for years his wish that a measure similar to that now before the other House should become law. A Commission of Inquiry having been appointed, a most rigorous investigation took place, and the result of that investigation was, that all the abuses and anomalies alleged to exist were proved, so that nobody could doubt the existence of them. To the principle of the Bill he did not expect there would be any opposition. To the details of the measure their Lordships would, no doubt, in the exercise of their deliberative functions, give every attention; and considering them with every impartiality and justice, their object, he was persuaded, would be to pass the Bill in such a manner as might best give effect to the great principle in which it was framed, namely, that of giving to the several Corporations of England a good and permanent system of Municipal Government. If the Bill were passed in its present form he was confident it was calculated to meet the wishes of the people of England; but should their Lordships, in their wisdom, think proper to alter it, he sincerely trusted their Amendments would be directed by a desire of extending and perfecting, rather than of impairing the machinery by which the principle was to be called into operation. He begged, in conclusion to offer the petition which he referred to their Lordships' consideration.

The Earl of *Aberdeen* observed, that only a few days ago, a petition which had been presented by a noble Friend of his was withdrawn as irregular, it being against a Bill still in its progress in the House of Commons. If their Lordships intended to be consistent, they could not receive the noble Earl's petition; and he thought the noble Earl had better not press its presentation.

Lord *Segrave* expressed a similar opinion.

Earl *Grey* was quite aware that the petition came within the absolute rule of exclusion; but under the peculiar circumstances which he had mentioned, he had hoped that their Lordships might receive it. He had no objection to withdraw the petition.

Petition withdrawn.

COMMISSIONER OF PUBLIC INSTRUCTION —MR. M'DERMOTT.] The Earl of *Clanricarde* begged to be allowed to say a few words on a subject which had previously occupied their Lordships' attention. He knew it was irregular to refer to what had passed in former debates; but he hoped the House would allow him briefly to advert to the charges which had been brought against Mr. M'Dermott, one of the Commissioners of Education in Ireland; and more especially with reference to a speech which it was alleged that Gentleman had some time since made of a very exciting description. He had received a letter from Mr. M'Dermott, distinctly disavowing his ever having used the language which had been imputed to him in that House; and sending him a Report of that speech, taken by a short-hand writer, for the accuracy of which Report, of course, he (Lord Clanricarde) could not vouch; but which certainly did not contain a single word that justified the statement which had been made respecting Mr. M'Dermott in that House. He really was at a loss to conceive the meaning of continued statements of this description, which appeared to have no bearing whatever on their Lordships' proceedings.

The Bishop of *Exeter* said, he was happy in being able to support the statement he made on a former evening by some important documents, and as the observations of the noble Marquess gave him an opportunity to present them, he would at once proceed to place them before their Lordships. The circumstances which gave rise to the speech in question were the following:—A Miss Bourke, a lady of twenty-eight years of age, residing at Castlerea, became a convert to the Protestant Church; and dreading violence from the peasantry in consequence, took the advice of a Magistrate (Major Baggot) as to the best means of protecting herself. She was recommended by that gentleman to place herself, until she could arrange to leave the district, under the protection of the police constable of the town, by occupying apartments in the barracks. This advice she followed, and it was in consequence of her doing so that the meeting, at which Mr. M'Dermott spoke the speech in question, took place. Of the temper of that meeting—and it was not sought to be denied that Mr. M'Dermott was present—it would be sufficient for him to say that the reverend Robert Boyd, the Protestant clergymen of the district, chancing to pass by at the same time, was assailed by the mob, and narrowly escaped from their violence. With respect to the speech made by Mr. M'Dermott upon the occasion, he had but this to say, that the accuracy of the

Report he (the Bishop of Exeter) referred to on a former evening, did not rest on a single evidence. In the *Roscommon* and *Leitrim Gazette* of the day it appeared as a reprint from another journal, and attached to it was not only the name of the reporter, Mr. Thomas Brooks, as vouching for its accuracy, but in a note was appended, in the form of a letter, a certificate, signed by four persons, who attended the meeting, namely, Messrs. Quin, Black, Kelly, and Blundell, in which the parties signing pledged themselves that Mr. Brooks's report contained a true statement of the scurrilous and abusive language used at the meeting. In fact, the report of Mr. Brooks was never doubted until it was mentioned by him (the Bishop of Exeter) on a former evening in that House. Fortunately, a copy of Mr. M'Dermott's speech, as so reported and so vouched for, was now in his hands, and, without further preface, he would read it to their Lordships. It was as follows:—

As soon as he (William M'Dermott, Esq.) took the Chair, he stated, that the reason of their assembling there was to present a memorial to the Lord-lieutenant, in order to get the constabulary police broke for their interference in controversial doctrines, and giving bibles and tracts; and finally for their gallant captain, contrary to his duty, making a police barrack an asylum for perverts, and a prison for illegally detaining children from their parents; therefore we are assembled together in order to adopt measures to tame their fanaticism. Gentlemen, the unhappy wretch, Miss Bourke, who is the occasion of our assembling here to-day, was seduced, or rather perverted, by that nefarious, puny, insignificant legislator of Ballaymor (a magistrate named Baggot). This fiend not only did this, but he goes about with a tract in one hand and money in the other, in order to accomplish his pestiferous ends; he goes farther, for if he miss one of the children from the school, he takes the Bible in one hand and his sword in the other; when he goes in, if he find none in the house, he will pierce his naked sword down through the bed. Gentlemen, he proceeds still further; if this fail him, he will take the sword in one hand and a coal of fire in the other. I say, Gentlemen, should not this man be held up to the contempt of the people? [*Deafening shouts.*] But, Gentlemen, one would think that this nefarious wasp had some wisdom in his head; and certainly, if we are to measure brain by the circumference of the skull, he must be possessed of a very extraordinary one. [*Shouts and clapping.*] But, Gentlemen, this insignificant wretch stood not alone in his endeavours to raise a disunion in the minds of the people; for he has a low, poor, grovelling, ill-coloured, demoniacal, clerical mountebank, who was chased from diocese to diocese for his schism. Gentlemen, this puny, ill-coloured runaway wrote certain letters, in which the Catholic religion is set up to ridicule; and I say, my friends, from the authority of the Attorney-General, that any person ridiculing the religion of the people should be brought to public trial, as a nuisance to society. Gentlemen, this poor little monkey slily and insidiously insinuated himself into the police-barrack, and openly and publicly calumniated the Catholic religion, thinking, poor fiend, that the gallant captain would write a very affectionate letter to his noble cousin (the Archbishop of Tuam) about his vigilance and zeal, and be partly the means of procuring for this arch-hungry fiend some part of the green acres. But, gentlemen, our memorial will be before the Lord-lieutenant in a few days, and as he is a man of candour and honesty, wholly divested of prejudice, we will get a hearing. Thank God, Goulburn is out; if it were not so, I would not stand here this day. While he was in, if we petitioned daily, none of them would be presented; but now we hope to be heard, and are confident that we will bring one of the King's parsons to a sense of his duty [*laughter*]; and, if possible, to have both captain and police broke. I am sure your great and good clergyman, Mr. Quin, daily warns you against these abominable schools. Dread not their tyranny. What is the Catholic rent for? I hope there is no Protestant who will be so inhuman as to turn any person out of his land for his religion; and if he does, we will be at the necessity of holding him up to the ridicule of the public; and, as great as the authority of the landlord or agent is, perhaps they will ill brook the consequence [*shouts, &c.*] But, Gentlemen, I did not say that Stoney was that fiend of fanaticism and proselytism who is protected by the police; but we will shortly have him suspended, and if not, we must be necessitated to hold him up to the ridicule of the multitude. [*shouts, &c.*] Gentlemen, we have funds enough; we will set up schools in opposition to them; we will try all means to rebut their schools; and if we cannot do it by these means, does any one think that seven millions will be held in trammels, and thwarted in their purposes by a handful of men?

That speech was reported in *The Roscommon Journal*, and published also in other Irish newspapers. Now he put it to their Lordships whether a person capable of such feelings and such language was one on whose authority one of the most important, if not the most important legislative measure that had ever been brought forward ought to rest? He had felt it his duty to bring the subject under the consideration of the House; he rejoiced that he had done so; and he had endeavoured to show that the individual in question was utterly unfit for the duty which had been intrusted to him.

As to Mr. M'Dermott's denial, on which side the evidence preponderated, he (the Bishop of Exeter) would leave it to their Lordships to determine.

The Earl of *Clanricarde,* in explanation, repeated Mr. M'Dermott's distinct denial, that he had, on the occasion alluded to, used language calculated to excite the people to use violence towards any person whatever.

Subject dropped.

Irish Coercion Law.] The Earl of *Glengall,* adverting to the circumstance that the measure known by the name of the Irish Coercion Bill, would expire in August, wished to know whether it was the noble Viscount's intention to propose its renewal.

Viscount *Melbourne* replied, that it was intended to introduce another measure for the purpose of preserving the public peace, and repressing any outrage or disturbance that might break out. The existing measure was founded on the report of a commission appointed to inquire into the state of the Queen's county in 1831 and 1832.

The Earl of *Clanricarde* observed, that that meant, he presumed, that the law in Ireland was to be permanently altered.

Viscount *Melbourne* said, that under existing circumstances, he did not think it would be necessary to lay before their Lordships any statement of the present condition of Ireland, which he had reason to believe was one of comparative tranquillity. It was not intended that the proposed Bill should be in permanent operation; but only that Government should be empowered to put it in operation under circumstances of necessity.

The Earl of *Glengall* thought the great increase of troops in Ireland, during the last two years, was a circumstance which showed that danger was to be apprehended. Whatever the measure might be of which the noble Viscount had spoken, it was of the utmost importance that it should be efficacious. As to the existing tranquillity, it appeared to him to be merely a lull before a storm. The Roman Catholic priesthood in Ireland had more power than ever; more especially with reference to the facility of disuniting landlord and tenant; and he was persuaded that unless some strong legislative measure were adopted, neither the property nor the life of any Protestant would be safe.

Subject dropped.

## HOUSE OF COMMONS,

*Monday, July 20, 1835.*

Minutes.] Bills. Read a third time:—Postage; Property in Infants (Ireland).

Petitions presented. By Dr. Bowring, from Cupar, for the Better Building and Manning Ships employed in conveying Emigrants.—By Mr. Sergeant O'Loughlin, from Attornies and Solicitors of Ireland, against the Civil Courts' (Ireland) Bill; from Upper and Lower Ormond, Owney, Arra, and Skerrin, for a Division of the County for the Purposes of the Assize.—By Mr. Ronayne, from Clonmel, and Mr. John O'Connell, from Youghall, against Admitting Persons into Corporations not entitled thereto.—By Captain Gordon, from Clina, and from a College of Aberdeen, against the University of Aberdeen Bill.—By Mr. Wilks, from Boston, against the Duty on Newspaper Stamps.—By Mr. W. Williams, from the Handloom Weavers of Spitalfields, for Relief, and a Board of Trade.—By Mr. Bruce, from Persons residing on the Banks of the Lower Shannon, for Improving the Pier at Kilrush, from Clare, for Revising the Registry of Voters.—By Lord Stormont, from a number of Places, for Protection to the Church of Scotland; from Norwich, against the Municipal Corporations' Bill.—By Colonel Perceval, Mr. Bruen, and Mr. Sergeant Jackson, from several Places, against the Irish Church Bill.—By Lord Mahon, from Rochester, against the Church of Ireland Bill.—By Sir Philip Egerton, from the Brewers of Chester, for making the Irish pay the Malt Duty; also against any further Grant to Maynooth College.—By Mr. Humphery, from St. John's Southwark, for a Remission of the Sentence on the Dorchester Labourers.—By Sir John Johnstone, from Scarborough, against any further Grant for Building Churches in Scotland.—By Messrs. Collier and Burdon, from Plymouth and two other Places,—against any Alteration of the Timber Duties.

Nullum Tempus Law. — Castle Moreton.] Lord *Ebrington* presented a Petition from certain occupiers of land of the Parish of Castle Moreton, in the county of Worcester, complaining of certain proceedings taken against them by the Dean and Chapter of Westminster, as lords of the manor there. The Petitioners stated, that for the purpose of enforcing (the Dean and Chapter's) manorial rights, they had by their agent served upwards of an hundred ejectments for the removal of the Petitioners from certain cottages occupied by them, and which had been erected upon grounds heretofore waste, many of which had been held by the petitioners and their predecessors for periods varying from twenty and sixty to a hundred years, upon all of which great improvements had been made by the occupiers, who fully relied upon the validity of their title, and that many of those cottages and pieces of land had been duly transferred by sale and purchase. The petitioners stated, that, in many instances, the purchasers of those premises took them under the idea that the sale was perfect, and had, in consequence, expended sums of money on their improvement, but that now the Dean and Chapter of Westminster came forward as lords of the manor, claiming them as their property, on the plea that *nullum tempus occurrit ecclesiæ.* The petitioners, after detailing a variety of circumstances connected with their case, stated that many of them, through the threats of the agent of the Dean and Chapter, had been forced to accept leases for lives, or for short terms of years. The petitioners represented their great poverty to the House—stated that, in the instances of many of them, these premises constituted their whole property, and complained of the extreme hardship to which they had been exposed. He (Lord Ebrington) had no local knowledge of, or connexion with, this place; but that the petitioners were in a very humble station of life was evident from the fact, that a great number of them signed by their marks. Since this Petition had been put into his hand, he had inquired into the correctness of the allegations contained in it, and he would state, upon authority that he fully relied on, that the whole of those allegations were substantially correct and true. In confirmation of the statements made by the Petitioners, he might mention that, in the year 1830, an action was brought by the Dean and Chapter against Lord Somers, for the recovery of a portion of this waste, which had been inclosed by an ancestor of his fifty years ago. Lord Somers offered to throw the land into waste again for the use of the commoners, but the Dean and Chapter refused to accept such terms, and claimed it as their freehold. Lord Somers, in order to try the question, defended the action, but he was cast after an expense of 400*l.* After this decision, it was considered vain by the poor petitioners to attempt to defend their right. The consequence was, that a great number of them had to become tenants of the Dean and Chapter. He would only say, that, by all persons locally connected with this place with whom he had had an opportunity of communicating, this proceeding on the part of the Dean and Chapter was considered a harsh one. He could not help expressing his regret that this privilege insisted upon by the Church, in this instance, should still exist. The House, of course, had no power of applying a remedy in this case, in which the letter of the law was certainly against the petitioners, but he trusted that, in the next Session of Parliament, the law would be altered, and that the Church would no longer possess this odious privilege against prescriptive right.

Major *Beauclerk* said, that this was only one out of 10,000 cases that existed throughout the country. He did not throw any blame on the clergy for them, but he thought that the Legislature should lose no time in limiting the privilege of the Church in this respect, in the same manner as that of the Crown had been limited.

Mr. *Robinson* supported the petition. The case appeared to him to be one of extreme hardship. He did not expect that the Clergy would forego their rights, but they ought to exhibit more forbearance towards the poor.

Petition to lie on the Table.

Orange Lodges.] Mr. *Wilson Patten* stated, that, in consequence of what had taken place on Friday night respecting Orange Lodges in Ireland and the army, he had been directed by the Committee to move, that they report on certain parts of the evidence, and that the minutes of the evidence should be laid on the Table of the House. There were other portions of the evidence which were as yet unfit for publication. The hon. Member concluded by moving accordingly.

Mr. Sergeant *Jackson* said, he had the highest authority for stating, in contradiction to the insinuation which had been made on Friday night, that the Duke of Cumberland had never issued any warrants for the formation of Orange Lodges in the army. In the only case in which he had been applied to he refused to sanction the application, unless they could procure the consent of the Commander-in-Chief at the Horse Guards. He (Mr. Jackson) did not deny that certain warrants had been signed by his Royal Highness, as Grand Master, but if any of them had been sent to any regiments or portion of the army, it was done without his consent, and without his knowledge.

Mr. *Henry Maxwell* was anxious to corroborate what had just fallen from his hon. and learned Friend. The warrants almost invariably passed through his (Mr. Maxwell's) hands; they were sent in blank, and his signature and those of other grand officers were necessary, and when they were affixed they were forwarded for the signature of the Duke of Cumberland. That being obtained, five or six other names were added, and the warrants were re-transmitted to Dublin, and filled up according to the purpose of the general managing body; but the destination was altogether unknown to his Royal Highness. "I beg leave (continued the hon. Member) particularly to corroborate what has been stated by my hon. and learned Friend respecting an individual application to the Duke of Cumberland for an Orange Lodge in a regiment. His Royal Highness has given me full permission and authority to mention that he gave the most direct refusal to the application, unless permission were first obtained from the Horse Guards. If that permission were given, his Royal Highness was ready to grant the warrant, but otherwise he could not give it his sanction as Grand Master."

Captain *Curteis:* I beg to remark that the Duke of Cumberland is at present an officer in the British Army. The hon. Member who has just spoken seems well acquainted with the facts of the case, as regards different regiments; but, as an officer serving in a regiment chiefly composed of Roman Catholics, I beg to say that an Orange Lodge was formed in it without the slightest knowledge of the officers generally; and I do not hesitate to say, that, before it was formed, it was the duty of the parties to acquaint the Commander-in-Chief. Looking at the regiments in which Orange Lodges have been formed, I must add, that the wish seems to have been to excite ill-will and indignation between the Protestants and Roman Catholics. I do not know what may be the precise intentions of the hon. Member for Middlesex, but I beg to say, that if for any reason he does not think fit to pursue this subject, I shall think it my duty to bring it before the House.

Mr. *Henry Grattan* said, that the greatest disturbances had taken place in Ireland, from those warrants which bore the signature of the noble individual alluded to. He begged to ask the hon. Member for Cavan (Mr. Henry Maxwell), whether he sent from the grand Lodge five members, under a warrant, to the county of Monaghan, in 1821? They came upon his estate, and a set of greater incendiaries were not to be found in the country. They did the utmost mischief, and ought to have been transported to Botany Bay, They set one part of his tenantry against another, and introduced an alarming animosity that to the present time had never subsided. Had not the corporation-seal as it were, and the signature of the Duke of Cumberland, been sent through Ireland? The hon. Member said, that these warrants were signed by the Duke of Cumberland, but that he was authorised to say that his Royal Highness did not know of their destination. He happened to know an Orangeman who did believe that the Duke of Cumberland had given his authority; he and others, it now appeared, had been entrapped by the fabricator and forger of the name of the Duke of Cumberland. What right had they to put his name to warrants? He was well aware that the warrants were signed in blank, but they were afterwards filled up, and he wanted to know by whom? If they were filled up with the names of the Grand Committee, he begged to ask the hon. Member for Lancashire, whether the Report he was going to lay on the Table would show who were the Grand Committee? They ought to have the names of those who had been in the habit of committing forgery. It was a topic which could not rest here. The hon. Member for Lancashire must inform the House when it was likely that the evidence would be printed and in their hands; for if it were voluminous they might reach the end of the Session before the House was in a condition to consider it. The House would observe, too, that these processions were not confined to the 12th of July, but they took place on the 13th, 14th, and 15th of July also. In the county of Wicklow there had been one within a hundred yards of the residence of two Magistrates, when a shot was fired, and a Roman Catholic nearly killed; the individuals who did this acted at the time under one of those forged warrants. He hoped that other Members would take up the subject, who could examine it with more impartial and scrutinizing minds than he pretended to possess: but let them first read the evidence given before the Coroner's inquest at Belfast, which he then held in his hand—evidence by men and officers, which showed that the military did not fire until they were placed between two showers of stones. Two orders were given by the Magistrates; but the soldiers did not fire until the second order. He thought the House would agree with him, that it was absolutely necessary that a stop should be put to this system. If they continued sitting till Christmas, Parliament ought to interfere to protect the lives of his Majesty's subjects in Ireland.

Mr. *Wilson Patten* begged to say, that the evidence would furnish the names of the members of the Committee of the Orange Association in Dublin up to the present time, so that the hon. Member for Meath would be able to refer to every person connected with the institution. As to the time that it would take to print the evidence, he had reason to believe that it would be in the hands of Members in a few days; the operation of printing had been so proceeded with that the whole would, probably, be ready this week.

Mr. *Henry Maxwell,* in reply to the question of the hon. Member for Meath, regarding a warrant issued in 1821, had only to say that he could not answer him, because he was not a member of the Orange Institution until 1828. He begged to add, that, until he heard it in the Committee of that House upon Orange Lodges, he was not aware that there was a single Lodge connected with any regiment in the army or militia. He might have been deplorably ignorant, but such was the fact. He could undertake to assert, that no forgery had been committed by any member of the Grand Committee. The signatures of the Duke of Cumberland, as Grand Master, were *bonâ fide,* as well as those of the hon. and gallant Member for Sligo, the Grand Treasurer, and of other Grand Officers, but they had been attached to blank warrants.

Mr. *Ruthven* thought that the impression regarding the forgery of names was altogether erroneous. He had seen some of the warrants, and one objection was, that the Duke of Cumberland, an illustrious Prince, and a high military officer, was made to give his sanction to institutions of which he knew nothing. His Royal Highness was not aware of the use which was to be made of his signature when it was placed in the hands of those who ought, least of all, to have distributed the warrants among the soldiery. Nothing could be more dangerous than to introduce societies of this kind into the army, which was bound to the country by its allegiance, and by its duty to the laws, and ought not to obey the mandate even of the Duke of Cumberland.

Motion agreed to, and Report ordered to be laid on the Table.

UNIVERSITY OF ABERDEEN.] Sir *Robert Peel* asked the hon. Member for Aberdeen to postpone, until next Session, his Bill for the Union of King's College and the Marischal College of the University of Aberdeen. He was not unfavourable to the principle of the measure, and would suggest to the hon. Member that, by allowing the measure to lie over till next Session, the consent of the two learned bodies might be obtained, which was most essential to the success of the undertaking.

Mr. *Bannerman,* in rising to answer the question of the right hon. Baronet, expressed his acknowledgments for the courtesy which had been shown to him by the right hon. Baronet's not presenting petitions against this Bill during his (Mr. Bannerman's) absence from the House on Friday evening. He was not at all surprised that his hon. Friend, the Member for the county, the right hon. Baronet, and many other hon. Members should be besieged with papers, protests, and petitions against this Bill; for he believed that it had been announced by some parties—to more than one Member even of his Majesty's Government—that he had introduced a measure, which, for atrocity in principle, reckless innovation in details, involving spoliation, robbery, and ruin of the University, and destruction of the national Church of Scotland, was such as no Member of Parliament ever before had nerve to submit to a British House of Commons. Sir (said Mr. Bannerman), if I had introduced such a measure, I know well what fate it would have met with in this House, and as these parties have said I introduced it for the purpose of gaining popularity, I do believe nothing in the world would have made me more unpopular, and in my opinion most deservedly so. I only regret, therefore, that in acceding to the request of the right hon. Baronet, I lose the opportunity for this Session of discussing the clauses of this Bill in detail, for it does appear to me singular, that the parties who pray for delay, and accuse me of want of consideration, seem to have had themselves ample time not only to consider this measure, but to denounce almost its principle, and criticise every clause in the Bill. I now only wish to set myself right with the House, about a misrepresentation industriously circulated, that I have been guilty of great want of respect to the learned men in the north; that I have refused to hold converse or communication with them; that I have stolen this Bill into Parliament, got it read a second time without their knowing of it. Sir, I gave notice of this Bill nearly three months ago; these notices were published in the Aberdeen papers. But I did more than that, I hold in my hand a copy of a letter which I addressed to the principals of both Universities on the 22nd of April. I forwarded also, with that letter, printed copies of the rules, statutes, and ordinances, proposed by the Royal Commissioners, calling the attention of the learned men to these documents, begging their attention to the Treasury Grant for rebuilding Marischal College, and asking them for any practical observations, which should meet with due attention from me, and that it was my intention to bring forward a measure for uniting the two colleges, with the sanction of his Majesty's Government. The gentlemen connected with one of the Universities sent me their observations, for which I felt very much obliged; the learned men connected with the other University wrote me a note, saying they had come to an unanimous resolution, which would be communicated to me when they heard from the heads of the colleges. I know their opinion, I am ignorant of that of the heads of the colleges; and really, Sir, I do feel that I have been guilty of a want of courtesy to the Chancellors of those Universities, unintentional on my part, and to save them trouble. The noble Lord who presides over King's College, whose love of literature and science, and liberal views on this subject are well known in the north, is the first person I should have consulted if I had imagined that I could have done so with any hope of reconciling the learned body over which he presides to any measure which I could possibly hope to carry through the House of Commons. To the noble Earl I owe an apology—to the learned body none is due from me; I will make none. Sir, this Bill is committed for the 24th of July. I am almost ashamed to mention it to the House, but I have been blamed for fixing that day for committing my spoliation measure, because it is the day set aside by the "sacred authority of the General Assembly for humiliation and fasting in Scotland." Fixing any particular day for committing this measure never entered my head. I had proposed the 16th, but accidentally meeting my hon. Friend, the Member for the county, he proposed the 24th; and I wish our pious friends in the north to remark, that their Tory and Whig representatives are on a par, both having forgotten the fast day in Scotland; but I dare say my hon. Friend and myself will be fully as well employed as our pious friends in the north.

Lord *Stanley* hoped that the hon. Member for Glasgow would also postpone to next Session, his measure relating to the University of that city.

Mr. Oswald consented.

Corporation Reform.] Lord John Russell moved the Order of the Day for the third reading of the Corporation Bill.

Sir *Richard Vyvyan,* in pursuance of the notice he had given, rose to present a Petition from the city of Bristol, and a petition from the city of Coventry on the subject of this Bill. The petition from Bristol was from the free burgesses, and had been signed by the Mayor and Aldermen, and it stated they were informed a Bill was then in progress through the House, having gone through its stages up to its recommittal, which went to deprive them of divers valuable rights and privileges and property which had been secured to them under royal charter, and they prayed the House not to sanction anything which should have a tendency, directly or indirectly, in any manner to deprive them of their property or their political rights. The petition from Coventry went altogether against the principle of the Bill, and complained of the course pursued as partial and unjust. In laying them upon the Table, he should take the opportunity of expressing the opinion of an independent Member of Parliament, hampered by no party considerations, and determined to speak without reserve, why the Municipal Corporations' Bill ought not to be read a third time. He had taken no part in the Committee, nor had he spoken upon the first or second readings, but considering the importance of the constituency he represented, he now felt called upon to declare that he was entirely averse to the principle of the measure, because it was opposed to the law, and subversive of the Constitution of the country. It annulled all charters heretofore granted by successive Kings of England, and the fact that it was brought in by the Ministers of the realm not only did not render the proceeding less objectionable, but made it more so, for its tendency would not have been so injurious if the Bill had been introduced by an individual Member of Parliament, and supported by the Cabinet. It abrogated rights sanctioned by charters and supported by precedents, and it established principles alike dangerous to freedom and the Constitution. He had presented petitions against it from the highest and from the lowest members of Corporations—from the Mayor and Aldermen of Coventry, and from the burgesses of Bristol, who, although convicted of no offence, and hitherto fostered and protected, were now at once to be deprived of what they so highly valued and so long enjoyed. The rights of Peers were considered inviolable by law, and why were they inviolable? Only because they were considered so. What was to prevent a bill from being brought in to-morrow by some hon. Gentleman of strong opinions, to take from Peers their right to sit in the other House of Parliament? What was there to render the robe of a Peer more sacred than the gown of an Alderman? As to the rights of freemen, the Bill was a measure of spoliation. Not content with extending the rights now enjoyed exclusively by freemen to other persons, the framers of the measure wholly abolished them to create new privileges for others. He, therefore, contended that freemen were open to bribery—to the insinuating address of persons who accompanied their persuasive arguments by a small sum of money. Was poverty, then, to be deemed a disqualification for municipal and political rights? If so, no rank was a guarantee; all Gentlemen were not honest—all Peers were not rich. Before hon. Members made up their minds that men because they were poor were to be suspected of dishonesty, let them reflect whether the same experiment might not soon be tried in another place. A Baron might be bribed by an Earl's coronet—a Marquess by a Duke's; for, after all, these were only abstract distinctions: they were honourable distinctions, indeed, but not necessary for the maintenance of the Constitution. When such things occurred, was it right to allege the poverty of the freemen and liability to be bribed as a sufficient cause to deprive them of their rights. Some admitted that the rights of existing freemen ought to be preserved—some said that they would preserve the rights of the children of freemen already born—and some said that they would preserve at least the municipal, if not the parliamentary rights of persons in this situation. In his estimation the freeman's child was in precisely the same situation as the heir apparent of a Peer of the realm. The Alderman with his rank might well be compared to a Peer of Parliament who had not an hereditary seat in the House of Lords, as the Scotch and Irish Peers. He would say also that the Alderman's position as a Magistrate elected for life was, in the eye of the law of England, similar to that of the Peer elected for life to sit in the House of Lords. Therefore, whether they considered the Peer's right or the Alderman's title—whether they looked at the right of the freeman's child in connexion with the right of the son of a Peer—in whatever way the subject was considered, in his opinion the rights of the Aldermen and freemen were as sacred in the eye of the law as the rights of the most elevated personages in the kingdom. It was the vice of the present Bill that at the expense of one principle it went to set up another. It was an attempt to set up generally the republican principle of representation, upon the ruin of the principle of vested right. It was against that principle of the Bill that he mainly protested, although he considered it vicious and dangerous in many other respects. And, let him ask, would the hereditary aristocracy support the principle of a Bill which was against all hereditary right? Would the Peers now declare that an old charter of incorporation was worth less than a patent of nobility on which the ink is scarcely dry? The Peers had now to fight their own battle. The first step that they took in this instance would be irrevocable. They would have to decide, when this Bill was sent up to them, whether their Lordships were to be maintained on the doctrine of temporary expediency, or to preserve their privileges upon the principle of vested right. Which ever way they decided, they might rest assured that they would not satisfy those who, sooner or later in the progress of the movement now going on in England, would make a decided attack upon their privileges, and upon that House of Parliament in which they hitherto had exercised their political functions; but they might, by giving their assent to this Bill, lend a fearful impulse to the movement that would destroy their own rights and dignity. The present system of the Corporations of England generally was said not to be in harmony with the times in which they were living. He should like to know what institutions of the country were in harmony with the principles and doctrines of many of those who for the last few years had become the advocates of general reform and proclaimed themselves the redressers of wrongs? They were not justified in proceeding with a Bill, unless they admitted all the principles contained in it. The House might be justified in extending benefits, they would not be justified in annulling charters. The House of Peers could not support the Bill, unless they were prepared to enter into a calm and deliberate consideration of all the great questions which were involved in it. He believed that the Corporations of the country were reasonable and useful institutions; he believed that, if they required amendment, they might be thoroughly amended without a breach of the Constitution. But the noble Lord had not taken that course. Most of the existing Corporations would have been ready to have surrendered their charters, without the expectation of receiving fresh charters; and those who expected new charters would no doubt have been glad to have received them on modified conditions; they would have admitted the ten-pound franchise, and done away with the principle of self-election. This, however, not only was not suggested, but even was not hinted at by the noble Lord, and those by whom the present measure was brought forward. He was averse from Parliamentary interference when there was no precedent. He begged to call the attention of the House to the few precedents which existed for interfering with the charters of corporate towns. The first interference of Parliament was in the time of George the 1st. But it was expressly stipulated in that first Act affecting the boroughs of England, that the Act should not make void any charter, or interfere with the privileges of any Corporation which had chartered rights. Throughout the whole reign of George the 2nd. there was no Act which went so far to interfere with corporate rights as the Act of George the 1st. In the reign of George the 3rd. three or four general Acts were passed upon the subject, not one of which, however, invaded any of the pre-existing rights or privileges of any corporate town. All of those Acts, in fact, were of a protecting nature. So that up to the present moment, with the exception of the Scotch Corporation Reform Act, which was passed two or three sessions ago, there was no precedent whatever for Parliamentary interference with the existing charters of municipalities. In the history of England there was no instance of a general Parliamentary interference in the charters of corporate towns until the Ministry of his present Majesty thought it necessary to bring forward their comprehensive and sweeping measure. Nay, he would go further, and say that from 1646 to 1660, there was but one instance of Parliamentary interference in the affairs of the chartered towns of Great Britain, notwithstanding the various forms of Government which severally obtained during that unfortunate period. The case which formed the exception was the isolated and solitary case of the city of Chester. What, then, was the conclusion which the House ought to form? Why that the noble Lord opposite, and the present Ministry, were attempting to do that which no other Government—not even the revolutionary Governments which intervened between the years 1646 and 1660—had ever ventured to do. If the noble Lord thought it necessary to take measures to correct what he deemed to be great and serious abuses in the management and conduct of corporate affairs, would it not have been better—would it not have been more prudent—would it not have been far wiser—and, above all, would it not have been infinitely more just—instead of introducing one vast and sweeping measure—carrying the principle of change into every corporate town in the kingdom—to have brought forward separate measures, embodying separate and different details, calculated to apply a remedy where a remedy was needed—to correct abuses where abuses existed—but not to break down rights and privileges which were originally granted for the common good, which for ages had continued to be exercised for the common good, and which in the present day, the common good demanded should be preserved? The noble Lord might have brought in a Bill, if he thought it necessary, to increase or to limit the number of Town-Councillors, and to regulate their election; he could have done so without an invasion of the rights of the freemen; but, for reasons best known to the noble Lord himself, he brought in this sweeping measure, attacking at once the chartered rights of towns, the prerogative of the Crown, and the privileges of freemen. New aldermen might be created, or their courts or their mode of election might be altered, so as to suit the spirit of the times; but could not this improvement take place without abolishing the chartered rights of the Aldermen? He was well aware that there was a disposition prevalent of late—and he had observed some symptoms of it even since the commencement of this discussion—to sneer at the rank of Alderman, as if it were unworthy of the ambition of any respectable individual; but he would assert that the rank of an Alderman in the City of London was equal to that of a Peer when out of the House of Lords, and the same might be said of the Aldermen of Bristol and other large cities. The noble Lord now proposed the spoliation and degradation of those dignities, which were as much the property and inheritance of those municipal communities, as were their titles of honour the property and inheritance of the Members of the House of Peers. As every Member would, no doubt, refer to his own city or borough, he would refer to that city which he had the honour to represent, and would say, that the Mayor of Bristol, by chartered right, took precedence of all but the King himself. He took, while in Bristol, precedence of all the judges, of all the Peers of the land, and even of the Heir-apparent to the Throne, if he happened to be in Bristol, and what was the House going to do? They were going to deprive that magistrate who was hitherto named in the commission of the Judges of Assize for the city of Bristol of even the power of acting as a county magistrate at the Quarter Sessions. The Mayor of Bristol need not be an Alderman, he might be elected by the Common-council. This Bill would take away those chartered rights, and, as far as Bristol was concerned, it took away those privileges which were the link of connexion between the various grades of the people of England. The state kept up by the Lord Mayor of London, and the Chief Magistrates of other cities and towns was not intended merely for their own individual benefit—it was intended to stimulate the humble apprentice, who might hope one day to arrive at similar honours by sedulous perseverance in honest industry. Why were all those wholesome stimulants to industry and laudable ambition to be at once removed? He was not aware that the noble Lord (Lord John Russell) had stated any reasons, or given any authority, for taking away the Court of Aldermen: now, he would beg to ask the noble Lord why it was he had assigned no reasons for this sweeping alteration? Would it be said that this measure was called for in the country, or that any excitement prevailed on the subject? There were not less than 246 Municipal Corporations attacked by this Bill, but there had been only sixty-six petitions presented in favour of it, while there were seventy-seven petitions against it. Now, if the measure were of that popular character which its advocates contended for, there could be no doubt that the Table of the House would have been covered with petitions in support of it. There had been no measure like this since the Reform Bill. He would not put even the Irish Church Bill in competition with it; for, though he admitted that Church property should be applied to Church uses, whatever its distribution within the Church might be, yet as long as the principle of Protestant ascendancy was safe, the question of the distribution of property within the Church was not of so much importance. The changes, therefore, which would be made by this Bill would, in his opinion, be much more dangerous than those of the Irish Church Bill. If this Bill, which destroyed so many of the privileges of the members of Municipal Corporations, were once passed into a law, the next fight they might have to make would be in defence of the privileges of the Peers. Let him ask too what would be the probable consequences which might be expected to ensue from the passing of this measure, which he could look upon in no other light than as a piece of republican legislation. One principle of the Bill would lead to the election of Magistrates by the people, and in time, to that of the officers of the militia, now appointed by the Crown, at the recommendation of the Lords-Lieutenants of counties; and we should in time see Magistrates in the degraded situation of soliciting the suffrages of those to whom they had to dispense justice. Another effect of this Bill would be, that those who supported it could not with any consistency, refuse to vote in favour of the Irish Municipal Corporation Bill, which was yet to be introduced. On the precedent of this Bill they ought to pass the Irish Municipal Corporation Bill without discussion. Another effect of the Bill would be an invasion of the rights of the Universities to decide who should be admitted as members of their body. In what he said on this subject he begged to be understood as not being influenced by his connexion with the Corporation of Bristol. That body had no more patronage over one of the seats for Bristol, than any Peer in the four Western counties. A Member for Bristol was, as independent of the corporation as any Member for any city or borough in the kingdom. He would here beg to call the attention of the House to the Report of the Commissioners of corporation inquiry, as it related to the city of Bristol. The city of Bristol—at least the Chamber of Commerce of that city—complained of having been unfairly treated by the Report of the Commissioners. In order to put the House in possession of the facts, he would read the Report of the Committee of the Chamber of Commerce of Bristol:—"The Local Taxation Committee having examined the Report presented to Parliament by the Commissioners of Municipal inquiry appointed for Bristol, feel it right to lay before the board some observations on that part of it which refers to the trade and commerce of the city, with a view to refute the prejudicial conclusions to which on this head the Commissioners have arrived. The part to which the Committee would more particularly invite attention will be found in pages 1208 and 1209, under the heads of 'Chamber of Commerce,' 'Port Charges,' and 'Trade.' The Commissioners, speaking of Bristol, use this observation,—'Far below her former station as the second port in the empire, she has now to sustain a mortifying competition with second-rate ports in her own channel; and towns, whose commercial prosperity once depended on the subordinate relations they were able to maintain with this city, seem to be now outstripping her in enterprise and activity. The Committee cannot find in the Report any authentic matter which justifies an expression so unqualified and so prejudicial to the character and interests of the city; on the contrary, all those returns of its trade inserted in the Report, which emanate from sources of authority, and are worthy of reliance, prove the very reverse of the fact asserted in the quotation. As regards the former rank of the port, she has, for half a century, given place to Liverpool, whose connexion with the vast manufacturing districts of the north has enabled her to acquire the superiority; but as the third in rank, Bristol still retains her place, and this is proved by the following Parliamentary Return of Customs' Duty collected in the year 1833, at the several ports named—viz., London, 8,692,945*l.*; Liverpool, 3,555,955*l.*; Bristol, 1,016,873*l.*; Hull, 592,161*l.*; Newcastle, 273,686*l.*; Glocester, 102,875*l.* As regards the observation that Bristol experiences a mortifying competition with second-rate ports in her own channel, and this principally on account of the Bristol port charges, it is equally at variance with the fact. The competition alluded to can point only to Glocester. In the year 1827, a canal for sixteen miles inland, and navigable for vessels of large burthen, was completed and opened; by these means Glocester was enabled to procure a large portion of her supplies by direct import, instead of the former means of trans-shipment and conveyance in barges up the Severn. The construction of the canal was intended to produce this result, and consequently Glocester has acquired a considerable trade in timber and corn, part of which she previously drew through the medium of Bristol, her nearest port. Her contiguity to the districts of the north gave her also in bulky and low-priced articles an additional advantage, as lying nearer than Bristol to the sources of demand. This Glocester trade, which Bristol enjoyed previously to the opening of the canal, arose from the circumstance of Glocester not possessing the facilities for direct import, and it must be considered, that when the facilities were acquired, the trade so passing into its new channel was the original and legitimate property of Glocester, which Bristol had neither the right nor power to control." In consequence of this Report (Sir R. Vyvyan continued) the Secretary to the Chamber of Commerce addressed the following Letter to Mr. Drinkwater and Mr. Gambier, two of the Commissioners:—

"Bristol Chamber of Commerce.

"Gentlemen,—

"It having recently transpired, that since your public sittings in this city as Commissioners of Municipal Inquiry, a communication has been made to you by Mr. H. Visger, on the subject of his evidence, given as a member of a deputation from the Chamber of Commerce, and which evidence comprised statements of tolls on merchandise, payable at Bristol as compared with other ports, I am, as secretary of the Chamber, directed by its committee on local taxation, to request you will have the kindness to inform them whether any such communication has reached you, and if so, that you will favour them with either a copy of the document and of any letter accompanying it, or with such other information as may enable the committee to ascertain the precise nature and extent of such communication. which, it is understood, has produced some alteration or correction of the statements or tables he had previously delivered as part of his evidence.

"The application now made arises from the circumstances that Mr. Visger had not authority from the Chamber for supplying to the Commissioners any supplementary evidence, and that he has declined to furnish a copy of what he did transmit, or of his correspondence on the subject; the next resort, therefore, is the Commissioners themselves. I am also directed to inform the Commissioners, that since their sittings in Bristol very extensive reductions have been made in the dock and other local dues, and that these reductions will materially alter the bearing of the evidence which was then given by Mr. Visger, and that if the Commissioners are yet open to receive any additional matter, the Local Taxation Committee would desire an opportunity of supplying it, in order that in any Report the Commissioners may deem it proper to make on the state and prospects of this city and port, the amount or comparative degree of charges should not be treated as exceeding the scale existing at the date of the Report, or period of its publication, or any matter of an unfavourable nature be inserted, which was then in course of correction, and has since been extensively remedied.

"I remain, &c.,
"L. O. BIGG. Secretary.
"March 11, 1835.
"To J. E. Drinkwater, Esq.
"1, Garden-court, Inner Temple, London."

Now let the House judge of the fairness of Mr. Drinkwater's answer:—

"George-street, Westminster, March 21.
"Sir;—

"I owe some apology to the Bristol Chamber of Commerce, and to yourself, for having so long delayed to answer your letter addressed to Mr. Gambier and myself on the 11th instant. I wished to refer to the manner in which Mr. Visger's communication to us was noticed in our Bristol Report before replying to you, and I had not the immediate means of doing this. You are aware, perhaps, that Mr. Gambier left England for Penang some months ago, which which will explain why I answer a letter addressed to both of us. I conceive that your inquiry is substantially answered by my informing you that we have not noticed Mr. Visger's tables as having been furnished by the Chamber of Commerce, but have particularly specified that they were compiled by an individual member of it (meaning Mr. Visger). After we left Bristol, Mr. Visger informed me personally that he had caused the tables he had furnished to us to be re-examined, and that in this re-examination some inaccuracies had been discovered which he wished to be allowed to correct. Mr. Gambier concurred with me in the propriety of admitting these amendments.

"We have noticed this circumstance in the following note, inserted in the Report.

"'After we left Bristol these tables were carefully re-examined, and some alterations were made in them, which, however, affect the general results very slightly. They have been forwarded to us, and are now printed in their amended form. A memorandum on the manner in which they were constructed was sent with them, from which the notes annexed to the first table have been extracted. The memorandum alluded to in this note appears to be the same which is printed in those tables in the reprint of the burgess-letters. I am speaking on this from memory, as I have not the burgess-letters by me. We extracted those parts only which serve to explain the construction of the tables, omitting every thing which appeared to be mere inference or comment. In making this communication through you to the Chamber of Commerce, I am breaking through a rule which we have adopted, of not making known any part of our Reports until they should be presented to the Crown. I hope, however, now that the interval which will elapse before the presentation is so short, that this letter will scarcely have reached you before it will have taken place. I should have had great pleasure in receiving the statements alluded to in your letter, of the reduction of the dock and other local dues, if I could make use of them, but we found it necessary to limit our statements to the period of our inquiry in each place. If you should think it material, however, opportunities cannot fail to present themselves to the Chamber for publishing these reductions. I request that you will take an opportunity of mentioning to the Chamber of Commerce that I have entered into these explanations, not merely in deference to its important character, but also as wishing to embrace every opportunity of testifying my sense of the courtesy which my colleague and myself experienced at Bristol from the members of the Chamber, in common with all with whom we had to communicate in the discharge of our duty.

"I have the honour, &c.,
"J. E. DRINKWATER.
"To L. O. Bigg, Esq. Secretary."

He had felt it but an act of justice to the Chamber of Commerce of Bristol, and to that city generally, to state these facts. On the general question he would contend, that as Bristol stood free from any imputation as to the application of its funds, he had a right to expect that it should be exempted from the operation of this Bill. In the number and extent of its charitable institutions it was second only to the metropolis, and there never had been any imputation as to the misapplication of any of those funds. Having made that statement, he might follow the example set by his right hon. Friend (Sir Robert Peel) in the case of the borough of Tamworth, and express a hope that Bristol might be exempted from the operation of the Bill. He feared, however, that such a demand on his part would not be attended with the same consequences as a somewhat similar demand made by a gentleman in the olden time, as recorded by Dean Swift. "Some hundred years ago," said the Dean, "when the Peers were so great that the Commons were looked upon as little better than serfs, a Bill was brought in for making some new addition to the power and privilege of the Peers. After it had passed through some of its preliminary stages, one Mr. Drew stood up, and said he very much approved of the Bill, and would give his vote to have it passed. But, however, for some reason best known to himself, he desired that a Clause might be introduced excepting the family of the Drews. This opened the eyes of the rest, and consequently the Bill was thown out." He feared that his claiming an exemption for Bristol would not be attended by the same consequence. He would shortly sum up his reasons for protesting against the Bill. First, it attacked the prerogatives of the Crown in a way in which the prerogatives of the Crown had never been attacked before. Secondly, it attacked the privileges of persons in the highest and lowest positions in every municipality in the country, and thereby it would furnish a precedent for an alteration in the appointment of magistrates and of militia officers, and of the right of admission to the Universities. The preservation of these corporations was intimately interwoven with the security of the Constitution. They were respected by the Protector Cromwell. One of the charges against James 2nd was, that he had attempted to invade these privileges; and one of the first determinations of the Parliament of 1688 was, that the rights of all chartered boroughs should be restored and respected. He, therefore, once more put it to the House whether if this were the case, it would rashly sweep away the whole of those rights which at the time of the Revolution were deemed so sacred, and substitute in their place a perfectly new and perfectly theoretical system of municipal government? He strongly objected also to the motive of this measure. The King might, it was true, have the power to dispose of these charters if he pleased, but it would have been better if such a measure had emanated from Parliament than from a Prince of the House of Brunswick. It would have been better if his Ministers had placed him in a position with regard to his people, more like that of William the 3rd, who obtained the throne of these kingdoms by his attachment to the fundamental principles of the Constitution, which his predecessor had violated. It was dangerous to furnish precedents for paltering with the people's liberties, however specious might be the arguments advanced in their support. The time might come when such precedents might be carried out to an extent subversive of the monarchy itself; and the extreme of the most ultra principles established on its ruins. It would be well to look to the origin of the term ultra. It took its rise in the first French revolution, when the *ultra-montane* party attained the ascendancy. On the restoration, Louis gave the French a charter. That charter was objected to by the emigrants, and such perons as were blind to the signs of the times, and who thought they could bring back France into the position in which she was before 1789. An experiment to effect this was tried in 1830 and failed, Charles the 10th became an exile, and those who made the experiment lost their power. But could any man compare the position of the present powers in France with that of those who espoused conservative principles in England? We have an hereditary monarchy, we have an hereditary aristocracy, and we have as yet these municipal institutions which the Government, indeed, were about to invade, but which we say are in accordance with the spirit of the British Constitution. If not, then so far as they were not, he and those who adhered to Conservative principles were willing to conform those institutions with that spirit. Having given the political franchise to persons in towns and boroughs possessing a 10*l.* a-year qualification, he admitted it would be only just that the municipal franchise should also be given to them. He agreed also that the system of self-election was one which was not in harmony with the feeling of the age; and provided the rights of the magistrates were respected, he was willing to assent to new charters being granted, which would take away the power of self-election from any small corporate bodies. But he would not agree to sacrifice the rights of his fellow citizens —rights which had been maintained through the many revolutions that had marked the history of this kingdom, and which he believed to be rights as sacred as those of any individual in the State, be his rank what it might. Having taken this opportunity (circumstances having prevented him from doing so at an earlier period) of explaining the reasons fully which induced him to vote against this measure, he begged to say it was not his intention to divide the House on the third reading. The hon. Baronet concluded by moving for leave to bring up the petition from Bristol.

Lord *John Russell* said, that as the hon. Baronet had declared that it was not his intention to go to a division on the third reading, it was not necessary for him (Lord John Russell) to occupy the time of the House with an answer to the speech made by the hon. Baronet. Besides, he had already at such considerable length stated his opinion both on the general principle and the details of the Bill, that it was quite unnecessary for him to address the House any further on the subject. He would merely say, that he had no doubt the hon. Baronet did wisely in not dividing the House on the third reading. The reason why he had come to that determination, no doubt, was because he had found that the general sense of the House and of all parties in it, was in favour of the provisions of the Bill, and that if the hon. Baronet had proceeded to a division he would have had but little chance of mustering a very large number of supporters. He took it for granted, after the very strong statement, and after the severe denunciation which the hon. Baronet had made against this Bill—as being a measure of the most revolutionary tendency—as amounting in effect to spoliation of the rights of property—and as adopting the most republican principles—after all these invectives and strong protestations against the Bill, he had no doubt that the hon. Baronet would have thought it his duty to divide the House against it if it had not been tolerably certain that such a division would have shown that the principles and general provisions of the Bill did meet with the concurrence, and were in accordance with the sentiments of the great majority of the House: and that that majority were of opinion that the Bill was at this time called for by the general voice of the country, and that it was due to the spirit of the age, and even in justice towards these corporations themselves, that such a Bill should become the law of the land. He took, therefore, the protest of the hon. Baronet coupled with his declaration that he would not divide the House, as one of the strongest admissions of the goodness and the policy of this measure. If he wanted further proof of the soundness of this Bill he should find it in the fact that a petition had been presented from the city of Coventry, of an entirely opposite nature from the one now presented by the hon. Baronet from that city, and the petition he alluded to was signed by 2,600 householders and freemen, praying that, with the exception of one particular part of the Bill relating to apprenticeships, the House would pass the Bill. Therefore, whether they were guided by the general consent of this House, or whether by the expressed opinions of parties out of doors, or even by the opinions of persons mostly affected by the Bill, they had reason to concluder that this measure was in general accordance with what was required at this time for the reform of great defects in our present municipal institutions, and for the establishment of a system of good municipal government in the several towns of England and Wales. He recollected to have seen in print the advice of the right hon. Baronet, the Member for Tamworth, given with his usual discretion, to that party to which he belonged, and in which he called upon them not to expect that any other place than this House could be, or even ought to be looked to as the scene where great public affairs were to be decided upon; and that the opinions of this House alone must be studied as the index to the opinions of the people of this country. In that statement, he entirely concurred. He was persuaded that in the approval of of any measure openly expressed either by a great majority of this House, and acquiesced in by the silent forbearance of those who in general differed from that majority, would be found the expression of an opinion in coincidence with the general opinion of a very great portion of the enlightened population of the empire.

Sir *Robert Inglis* observed, that the noble Lord had mistaken the object of the hon. Baronet in not dividing the House. The reason why the hon. Baronet abstained from that, was, the little chance the hon. Baronet had of succeeding. He believed the noble Lord had likewise misapprehended what had fallen from the right hon. Member for Tamworth, in supposing him to have said that that House was the only place to which they could look for the full expression of public feeling on all great matters of national importance. He apprehended, that at the next registration throughout the country, the democratical party would not receive that support which they anticipated, but that the monarchical and aristocratical principles would gain an accession of strength throughout the country generally. He would say, without fear of contradiction, that if this Bill, instead of destroying all corporations, had only gone the length of destroying the Corporation of Bristol, which was so ably represented by his hon Friend near him, (Sir R. Vyvyan), the noble Lord opposite (Lord John Russell) would not himself have been satisfied with the evidence now upon the Table of the House, and upon which this measure was based as a sufficient justification of it, and yet upon that evidence were all Corporations to be destroyed. Nay, he believed no private Bill, affecting still less interests, would have passed a Committee to whom it might be referred, if supported by evidence such as that upon which this great and important measure, this Bill of Pains and Penalties against all Corporations, was based. It seemed therefore, that the evidence which in each separate case would be insufficient to justify the destruction of any one Corporation was proved sufficient when heaped together to justify the destruction of the whole. If the hon. Members opposite would be candid, they would admit, at least the majority of them would admit, that they had not read the evidence, even such as it was; with perfect candour he would himself admit that he had not read it; and he believed it to have been impossible for any man to have done so during the time that the Bill had been in progress. Therefore the House had legislated upon this subject he would not say against evidence, but without evidence. They had legislated against all Corporations *en masse* in a manner in which they would have refused to assault any single corporate body. This Bill would create a bad precedent; the mode of proceeding with it was contrary to every principle hitherto adopted, and the Bill itself was contrary to every principle of the measure introduced by a late colleague of the noble Lord—an individual not less gifted than those who now formed the Ministry (he meant Lord Brougham) two or three years ago. The Bill of that noble and learned Lord had recognized the principle of qualification, and had left it open to all towns to accept the measure if they should so think fit. How far he (Sir Robert Inglis) might think Corporation Reform ought to go, it was not necessary for him now to state, but on general principles he held that the safest and the best course to have pursued would have been to confer powers. leaving it to those most affected and interested in the matter—namely, the inhabitants of all cities and boroughs—to say what reforms they themselves required, and that, instead of compelling them to accept the general measure, suggested by third parties, to have left it to the choice of the majority. That good effects would have resulted from such a course might be predicted after the example afforded in the instance of all the Church reforms which had been effected during the last few years, which had not only been voluntary but efficient reforms. This measure was, however, to be forced upon every corporate town, even though its inhabitants had expressed neither a desire nor a want of alteration, or, as some might say, improvement; without any wish expressed by them upon the subject, every Corporation was to be fitted and fashioned to the pattern prepared by his Majesty's Government. Whether it might be the well-administered and governed Borough of Tamworth, or the worst regulated Borough complained of in the Commissioners' Reports—whether the election of its officers was popular, or whether such election was close, and the electors self-constituted,—whatever might be the circumstances, on a given day, at the tolling of a given bell, all existing Corporations were to die, and to be succeeded by new bodies. This course was inconsistent with all proceedings past, with the history of the country, and with reason. He repeated that which he had stated on the second reading of the Bill—namely, his entire and absolute objection to the principle of the Bill, but he should not press his opposition so far as to divide the House, merely because he was aware it would not practically be crowned with success, and therefore he should not be justified in such a course. In conclusion, he repeated, that he entertained entire, absolute, and unalterable objections to this Bill.

Mr. *Stephen R. Lushington*: It is amusing to see with what a small mite of approbation the noble Lord is satisfied; the able and eloquent denunciations of the hon. Baronet against the whole principle of this Bill, and the solitary petition in its favour from Coventry are regarded by the noble Lord with complacency, as indicative of a general approval of this measure I do assure the noble Lord, that the great majority of my constituents detest this whole Bill as much as I do, because it is grossly unjust in depriving the freemen of the rights and liberties derived from their forefathers, and will therefore never command the respect or conciliate the affections of any of the freemen of England. The right to elect their chief Magistrate, and to elect representatives in the great Council of the nation, has been enjoyed by the freemen as a chartered right ever since the reign of Athelstan, and has been confirmed by succeeding Kings for many centuries, and now stands upon the same foundation as the right of every Peer and Peer's son in this kingdom. What public benefit does the noble Lord promise to himself from this spoliation, this violation, this abandonment of his own Bill of Reform? He must repudiate, as the freemen do, the bitter insults which have been added to this meditated injustice. He must know, they have done nothing to justify this general punishment. The flagrant cases of Stafford and Liverpool may fairly call for some mark of national displeasure, but there are many other cities and boroughs where the elective franchise has not been abused, and amongst those that have deserved well I claim a prominent place for the City I have the honour to represent. I make this claim, not upon my own opinion only, but upon that of my late noble colleague, the Earl of Darnley, who constantly concurred with me in doing justice to the fidelity of the lower classes of our freemen whatever might be their political feelings. From a sincere conviction of the great injustice done to them in this Bill, I should feel it my duty to propose the Clause of which I have given notice in protection of their rights. I have, however, divided it into two parts; the one preserving the rights of all persons to vote for a Member of Parliament, who have been admitted as citizens, freemen, or burgesses before the passing of this Act; the other Clause continuing the same right to the sons and apprentices of freemen.

Mr. *Fector* said, that he could not permit the Bill to go to a third reading without entering his protest against the injustice of the enactments. The Corporation of the town and port which he represented were free from charge or imputation; and it was only because they, in common with those of Liverpool, of Bristol, of Leicester, and others, had stood forward in defence of the institutions under which the nation had prospered and flourished, that they were now thus generally attacked. He must, however, content himself with protesting against the Bill, and thus recording his disapprobation of its provisions.

Mr. *William E. Gladstone* had supported the second reading of the Bill, and felt bound by its principle, understanding, as he had done, that principle to be the abrogation of the system of self-election, and the substitution of an open and liberal system of election. Beyond this principle he was not bound, nor did he feel disposed to go. To but very few of the Clauses contained in the present Bill could he give his honest advocacy; at this time, however, he would not detain the House by an enumeration of the points to which he objected; but he thought the noble Lord opposite (Lord John Russell) need only look back to the various important divisions which had taken place in Committee on the Bill, in which strong opinions had been expressed against not less than eight or ten of its most material provisions (opinions which had been supported by large, and he trusted he might add, by respectable minorities), to be convinced in his own mind that he ought to make a large deduction from the estimate of the general approbation of this Bill, before he spoke of that approbation in those terms of confidence which the noble Lord had recently addressed to the House. He (Mr. Gladstone) could not approve of the frequency of elections which must occur under the Bill. He could not approve of the restriction which it imposed upon the prerogative of the Crown. He could not approve the extension of the power of licensing public-houses to individuals who were to be subjected to popular election. On all these grounds, with many others with which he would not trouble the House, he could not honestly give his support to the measure as it now stood.

Mr. *Scarlett* said, that he had gone into the Committee on this Bill in the sincere hope that the rights of freemen would be respected, and that a distinction would be made in the extension of constituencies between towns of large and towns of small population; but that since none of these amendments had been adopted, and on the contrary that all had been most studiously rejected from the Measure, he felt himself compelled to revert to his original objection to the Measure, and to declare that the Bill was neither more nor less than an attempt to transfer the powers possessed by corporate bodies from the hands of one party to another, and not designed with a view to effect reform in the corporate bodies themselves. He would endeavour to comprise his objections to this Bill in a very few words. His first objection was, he thought, of itself sufficient to justify the rejection of the Bill—that objection was, that the provisions of the Bill were unjust. What, he begged to inquire, could be more unjust than by a general enactment to deprive all corporate officers of their franchise, and all freemen of the best part of those rights and privileges which had hitherto been held sacred by law—indeed so sacred that it required a particular process sanctioned by law to deprive them of those rights upon proof of misconduct? Even supposing the course now taken was correct, where, he begged to ask, was to be found this proof of general misconduct? This Bill would form a very bad precedent for future practice, and he thought its success would lead to the encouragement of all persons dissatisfied with, and disloyal to, the institutions of the country, to make further attacks upon bodies hitherto privileged, and whose rights rested upon nearly the same basis and foundation as those of the freemen thus destroyed. He held this Bill to be inconsistent with the true spirit of British liberty. Why did he say this? It had been remarked, that the principal cause of the superior degree of liberty which this country enjoyed over the continental states whose feudal system was originally nearly the same as those of England, might be traced to the fact, that the landed proprietors of this country had been awarded a considerable influence over the population of towns, from which it was considered more safe to increase the political influence of towns in which, for the most part, the landed proprietors were resident, and thus the landed interest maintained a considerable influence over the town populations. This Bill, however, altered this course of policy most entirely. By this Bill, the Legislature was about to establish in every town a pure and unmixed republican government, to abolish the aristocratic principle, and in short to interfere with monarchical authority. The Bill would afford a considerable increase to the democratic force already existing in this country, a force which he conceived every reasonable person would admit was already at least sufficient. There was further, another reason which seemed to him to press much against this Measure. In the course of the discussions which had been entered into upon it, it was somewhat singular that the Reports of the Commissioners of Inquiry into Corporations (reports collected with great labour) had been so little referred to, even in support of its principles, that the public scarcely knew at the present moment that they contained any information at all. In short, so little reference had been made to those Reports, that even without them the same rigorous and uniform rule might as justly be applied to all Corporations in the kingdom. No pains had been shown by the Legislature in examining into the constitutions of the numerous Corporations with which in this Bill they dealt—they had manifested no adoption of means for ascertaining their defects, and having ascertained them, in devising a separate remedy. If the Legislature and the Government had contemplated a real reform, they would have proceeded in a very different manner. The great Corporations should have been considered by themselves, and dealt with in a separate Bill. The smaller Corporations ought to have been classed according to the analogy of the circumstances under which they were placed. If this Bill had not been intended for political objects, why not have given to large towns a more aristocratic species of government, to have constituted the Magistrates for life,—why not have declared something like a guide as to the course of the proposed popular elections? He would further inquire on what grounds could be justified the placing of power in the hands of such persons as the mob which lately in the midst of a large Protestant population (not in a distant Irish county, but in the very heart, he would say, of this country), had on a day of popular excitement, broken prisons and destroyed the dwelling-houses of peaceable portions of the community of which themselves formed part? Was this the class of persons to form a constituency for the election of Officers and Justices? He believed, though he should rejoice to find himself mistaken, that the present Bill would be the means of introducing the greatest confusion into large towns, and that eventually the Legislature would have imposed upon it the difficult task of amending their corporate constitutions. For these and other reasons with which he would not trouble the House, he could not assent to this Bill. [*Cheers.*] Notwithstanding those cheers from hon. Members opposite, he felt that he owed no acknowledgment to them for having occupied their attention thus shortly, for when they had put out and extinguished completely the existing Corporations, it was only fair they should listen to the last lamentations of those bodies. He repeated, that this Measure was not designed as a

Reform of Municipal Corporations, but as a means to answer a particular party purpose. To their credit be it spoken, the Corporations of England had generally returned Conservative Members, the Corporations had rallied round those who were attached to the institutions of the country, and hence it was that they were to be destroyed. He maintained (and he spoke it with all courteousness, and meant no offence when he said it) that a Government which contemplated ruling by law and justice, and honestly, by the King and the institutions of the country, would never have proposed such a Bill as that now under consideration. He intended nothing uncourteous to the Government, but he was willing to suppose that they were mistaken in the course they had adopted—that they saw no danger likely to ensue from that course. He trusted, that he was himself mistaken; but, at present, he saw from this measure danger to the Monarchy, danger to the Aristocracy, and danger to the peace and tranquillity of the country. If the Legislature desired prosperity to the people, honour secured to the Monarch, and safety to the institutions, it should cut this Bill into parts. If the Legislature was, on the other hand, determined to put all these interests at hazard they could not do better than at once pass this Bill.

Mr. *Borthwick* declared himself opposed to the principle of a measure which, like the present, was, as it appeared to him, neither more nor less than naked and undisguised tyranny. He said thus much because this Bill deprived the people of England of rights which they had exercised from time immemorial, for no better reason than because this House had declared it had the power to take them away. No better reason than this had been advanced on the other side during all the discussions which had ensued in various stages of the Bill. On what was the measure founded, too? On the Reports of the Commissioners? Why the House was called upon to destroy those Corporations before the Reports, affecting many of them, were laid upon the Table. At the very moment at which he was speaking, the Report of the Commissioners relative to the Corporation of London, the most important city in the world, was not before the House. He had just heard it remarked, that the Bill did not touch the Corporation of London. He would ask the noble Lord and hon. Gentlemen opposite, why it did not? Was there no occult reason for its not being affected—was there nothing under ground? He had presented, on a former occasion, from the borough he had the honour to represent, a petition against the Bill. That petition, which was signed by the inhabitants of the borough, and not by members of the Corporation, prayed that it might pass into a law as soon as, and no sooner, than the majority of the inhabitants in the different boroughs which it proposed to interfere with, should petition the House to that effect. He would rest the issue on this result; he was content that the provisions of the Bill, unmutilated and unimpaired, should extend to every single place where the majority of the inhabitants signed a petition to the House in favour of its being passed into a law. Not only were they called upon to pass the Bill without sufficient evidence—not only were they called upon to pass it without any such test of public opinion as that to which he had just adverted—but several measures of liberal policy, which were in the contemplation of the preceding Government, were postponed, in order that this all-important, but unsubstantiated, Bill might pass into a law. It was stated in the Report, that in the year 1826, when there was a general election, fifty freemen were made, and that in the year 1830, when there was also a general election, thirty-six freemen were made, whilst in the intermediate years, 1827, 1828, and 1829, there was but one freeman each year admitted. Now, this was stated in a tabular shape in the Report, in order to convey an impression that freemen admitted in the years 1826 and 1830 were created solely for political purposes. Now, what was the fact? All the freemen who were admitted in those two years had served a previous apprenticeship, and there was only one in each year admitted by election. Did not such a fact go a long way to create an impression the very contrary of that which the Commissioners, in their Report, had endeavoured to create in the minds of those who read it? He would have supported the Bill had it been likely to produce a better administration either of local charities or of local justice; but he could not support it as it stood at present, because he looked upon it as an unjust innovation, which could not lead to any practical good whatsoever. The hon. Member addressed the House for some time longer, but amidst so much uproar as prevented us from hearing any but detached and unconnected sentences of his speech.

Lord *John Russell* reminded the House, that they were now debating the principle of the Bill on the presentation of a petition. Perhaps the shorter way would be to present the petition, and then debate the principle of the Bill on his Motion, that it be now read a third time.

The petition was laid on the Table, and the Order of the Day was read "that the Bill be now read a third time."

Mr. *Maclean* could not resist the opportunity thus offered him of troubling the House with a few observations. He was aware that it was too late to dispute the principle of the Bill, but he hoped the House would bear with him for a short time. If he could have conceived that the party with whom he had the honour of acting would have obtained nothing more by concession than the immaterial alterations which the Committee had made in the Bill during its progress through the House, he for one would never have acceded to the second reading of it. For what had they obtained by giving way to the noble Lord on the second reading? Nothing, or next to nothing—for all the propositions which had been made on that side of the House, whether they emanated from the right hon. the Member for Tamworth, or from the noble Lord, the Member for North Lancashire, had been regularly negatived. It was too late now, he was afraid, to dispute the principle of the Bill, but they might ask what it was. When the noble Lord, the Member for the West Riding of Yorkshire (Lord Morpeth) moved an Amendment upon the Address of the right hon. Baronet, the Member for Tamworth, he did so on the ground that his Majesty's Ministers in that Address announced no intention of placing the Corporations under popular control. If the principle of the Bill was founded on the necessity of creating a vigilant popular control over all Municipal institutions, he would ask hon. Members to look at the Report, and see whether they could extract from its pages any reasons for making such a principle the basis of the present Measure? It was a singular circumstance that the only borough mentioned in the Report as being a borough in which the Corporation was prompted by popular feeling was the borough of Plymouth. That borough, which, in page 595, is quoted as an example of the utility of popular control over Local Corporations, is in the very next page condemned as affording an example of the most profligate expenditure of Corporate Funds. The Report says—"The constitution and character of the Corporation of Plymouth are very superior to those of other Municipal bodies in the west of England. It affords the only instance that occurred to us in the course of our inquiries of a Corporation framed and acting upon popula principles. Not only are the Mayor and Aldermen elected by the Commonalty, but the management of all the Corporate affairs has, in fact, since the year 1803, been in the hands of the freemen at large. This power has been exercised by them with much prudence and discretion, by the appointment of a Committee of twenty-one of their number, by whom all the business of the Corporation is conducted. This body, dividing itself into sub-Committees, appears to form an excellent Board of Management, and to conduct the affairs of the Corporation with diligence, zeal, and integrity." And yet, after all this, it is stated in the very same page, "that the Corporation was in considerable pecuniary difficulties, and that one consequence of the difficulties into which this unfortunate expenditure of their revenue plunged the Corporation was that it compelled them to make sale of the next presentation to two of their churches, and to apply the proceeds towards the reduction of the debt which they had incurred. No part of this money was expended upon the churches themselves, which required repairs, and it consequently became necessary to impose a Church-rate, a measure of course very unpopular amongst the inhabitants. It seems also to have been the opinion of many persons that the sale of the next presentation was in itself, and without reference to the application of the monies arising from it, an improper act on the part of the Corporation; that they stood in the situation of trustees for the public, charged with the duty of providing the churches with proper ministers, and that it was a breach of that duty in them to transfer the right to others." The Report concluded with this statement:—"We have not visited any Corporation in the west of England so well managed in all respects as the Corporation of Plymouth, which we attribute to the efficient control exercised by the public over the elections of Members of that body, and to the publicity which is given to all their proceedings." Such was the contradictory description of the borough of Plymouth given by the Commissioners. Another objection which he had to the Report of the Commissioners was, that it contained no digest of the evidence which they had taken, but that it amalgamated in one confused mass all that they had heard from every quarter. For instance, statements of the most extraordinary character were made respecting the freemen of the borough which he had the honour to represent. It was said, that "the respectable and instructed portion of the freemen of Oxford studiously absented themselves from the elections, and that, although there was a body of more than 1,400 resident freemen, the annual vacancies of Corporation Offices were generally filled up by the votes of less than 500 persons, the most indigent, illiterate, and worthless inhabitants of the city." Now, he thought that this extract proved, not that the majority of the freemen were worthless, but that the majority of them stood aloof from, and far above, the reach of corruption. Ought, then, the rights, the long established rights of these freemen, to be sacrificed on the mere Report of a Commission of which the legality had been questioned by some of the highest law authorities in the country? He confessed that he had heard with no less surprise than sorrow the abuse which his hon. and learned Friend, the Attorney-General, had recently poured forth against the freemen of England. He had no occasion to explain the reasons which had induced him to say that he had heard that abuse with sorrow; but the House would understand the reasons which had induced him to say that he had heard it with surprise when he reminded them, that during the discussions on the Reform Bill his hon. and learned Friend was so convinced of the excellence and incorruptibility of the freemen of Stafford, that he had proposed to introduce a special Clause into it for the purpose of preventing the disfranchisement of the non-resident freemen of that borough. He was of opinion that that proposition did his hon. and learned Friend credit, for as his hon. and learned Friend's constituents of Stafford were then supposed to be uncorrupted and incorruptible, as there was no document on the Table of the House to prove that they had been paid 2*l.* and 3*l.* each for their votes, he honoured his hon. and learned Friend for stating that it was not fitting that such honest and honourable men should have their franchises vitally affected by the Reform Bill. With that Clause fresh in his recollection, would his hon. and learned Friend, the Attorney-General, persist in calling them "the eye-sore of the constitution"—"the refuse of the constituency"—"men who passed their days in gaol," and other names of the same complimentary character? He would not detain the House any longer; he thanked it for the indulgence with which it had already listened to him, and perhaps it would permit him to add, that he should not have been so warm as he had been had he not seen in certain quarters a strong disinclination to treat vested rights with proper caution. He had the satisfaction of knowing that, acting as he then did, he was acting in common with the majority of the representatives of England, who respected the rights which were handed down to the present generation by their forefathers, and were willing to stand by the constitution without seeking those innovations which must lead it to a premature grave.

Mr. *Horace Twiss* would not trouble the House with discussing the principle of the Bill; but he must take leave to regard it as a measure which enjoyed the remarkable and unenviable distinction of being the only measure which the present Administration had framed and hoped to carry through during this Session. The Ministry had postponed the Irish Tithe Bill to a late and impracticable period of the Session, and by bringing forward the Corporation Bill at the expense of more important measures had placed the country in a false position. The haste with which this Corporation Bill had been pressed forward was remarkable, whether they regarded the postponement of more important measures, or the different and more cautious procedure which would have been adopted had this been a mere local Bill, either for making some change in the administration of justice, or altering the constitution of a Paving and Lighting Board. In such a case the Bill would have been referred to a Committee—there would have been several sittings—the requisite evidence would have been demanded, and the agents of parties interested in the Bill, together with Counsel, would have been in attendance. But in this important measure, which had reference to 191 Local Bills, no such steps were adopted, no such evidence was required, and the House proceeded to legislate without giving notice to the parties most nearly interested that such was their intention, or even giving time to hon. Members to consult with their constituents upon the measure as it respectively affected them. Let them suppose an Administration coming into office at Easter, 1835, having for their object, not at all the continuation of their own tenure of place, but, primarily and above all other things, the benefit of the country at large; and, on such a supposition, let hon. Members see what course they would have been likely to take on the subject of Corporation Reform. In the first place, prudent Ministers would have possessed themselves of all the attainable information, before they began to legislate at all. Then they would have waited, not only for all the opinions of the reporting Commissioners, but for all the evidence upon which those opinions were founded, before they proceeded to frame their Bill. Having framed the Bill—which, however useful in its general object, must needs be obnoxious, nevertheless, in many of its enactments—to the title of a Bill of Pains and Penalties—*privilegium odiosum,* as the Roman lawyers used to say—the just and cautious Ministers he had supposed would, perhaps, have thought it fair to print such a Bill for circulation among the corporators and other inhabitants of the towns; and, next, to avoid all danger of involving individual injustice in a measure alleged to be of so great and general utility, they would have allowed a reasonable time to the various parties who might have sought to be heard by petition, or otherwise, against their own disfranchisement, and to suggest reasons against particular enactments or modifications of them for the saving or compensating of particular rights. If, during all the time while this measure was in preparation, there had been other very urgent demands on the attention of Parliament—if a step had just before been taken, never mind by whom, alienating the property of the Church, diminishing the aggregate fund for Protestant instruction, and, thereby, also, unsettling the minds and rousing the apprehensions of all those who think there are higher considerations than the settlement of jealousies between Burgesses and townsmen, or even the procurement of radical majorities for the Cabinet of the hour—that Ministry whom my hypothesis has invested, for the argument's sake, with the attributes of political wisdom and integrity, would have seen, in this uneasy condition of the public mind, a further reason for caution, and for moderate, not protracted delay. If, in addition to all these arguments against hurry, the whole kingdom of Ireland were in such a state, that the Tithe Question had come to an issue of force—that the Clergy were for two or three years unpaid, and reduced to depend, for existence, on the alms of their Christian brethren—that the people of England were taxed a million sterling, to make good the deficiencies of Irish payments—that the Cabinet had no better security for the peace of Ireland during the ensuing winter, than the forbearance of the leaders, for whose coercion they but two years since required powers unknown to the British Constitution—in such a state of things a wise and honest Ministry would be anxious for nothing so much as the settlement of the question of Irish Tithe; that, whether connected or unconnected with its recent adjunct of Church spoliation, that great question of Irish Tithe would require and receive their earliest and their most active consideration, in preference to the reform of the hungriest corporation that ever bartered a vote for a dinner. Let the House, however, suppose a Ministry to have come in, actuated, beyond all other motives, by a desire to strengthen themselves in power. With such a feeling, how would such a Ministry have been likely to act upon the subject of Corporation Reform, in comparison and relation to the other great subjects of the time? The various great reforms which they may have said were in their desks, all drawn and drafted into Bills, and ready for legislation, they would, of course, lay by. Nobody would know better than themselves, how well all those matters could afford to wait; and being quite ready, not only cut but dried, they could be brought forward at any time on a moment's warning. Never mind those—never mind Ireland—all that may be passed by; something, however, must straightway be done to help such Ministers in the House of Commons. The infatuated people had returned an alarming proportion of Conservatives, and, with other gentlemen of constitutional principles, make a minority so large, that it wants less than a score of recruits from the other side to make it a majority. This was an inconvenient state of things for a Government. The thing to be done for diverting the public mind was, to get up a good cry; and nothing, in that way, was more likely to succeed, than a cry for the Reform of Corporations—Corporations were, more or less, Conservative, and a cry against Corporations was, therefore, *pro tanto*, a cry against Conservatives. If that should prosper, when the Session was over it might be safe to venture a dissolution. Therefore, by all means, a Corporation Reform would be the earliest measure proposed by such a Ministry. The first two months, from the beginning of April to the beginning of June, might be tided over without doing anything. The Tories would be likely to stand by the Corporations; that would remit them to their old unpopularity among the multitude; and should such a Ministry, if composed of Whigs and supported by Radicals, manage tolerably well, the Corporation Reform Bill would bring them an addition of fifty-eight votes at the next election. Such were the reasons which might be urged by some crafty Member of such a Cabinet; such were the reasons which, with such a Ministry, I could conceive to prevail, for giving to a new Corporation Reform Bill, read for the first time on the 5th of June, priority over all the other commenced and uncompleted business of the country. But, whatever might be the reasons which would induce an unconscientious Government to hurry a mischievous and suspicious course, he was at a loss to discern the principle on which this policy of precipitation was adopted by the present Cabinet—to whom he was bound to ascribe the most upright, if not always the wisest, designs. They never before had evinced any symptoms of haste about Corporate Reform. They came into office in November, 1830, and they waited till July, 1833 — two years and three quarters—before they even took their first step, by issuing their Commission for inquiry into the long-alleged abuses of the Corporations. After so long a period of delay, why did they now display such haste and anxiety? The late Ministry was obliged to quit office in consequence of the reception given to the Irish Tithe Bill, which was then considered the most urgent and pressing measure, notwithstanding which the settlement of that question had been postponed, and nothing was done in it till this late period of the Session. Did the urgency of this and other measures depend solely upon the circumstance of who were in or out of office? Would it be pretended that the tranquil state of Ireland rendered it unnecessary to press forward a settlement of the Tithe question? If so, why did not the noble Lord repeal the Coercion Bill? If, on the contrary, Ireland, though not actually in a blaze of rebellion, was much too unquiet to be left to the operation of the ordinary law, how happened it that a measure which was declared to present the only chance of pacifying that country, and affording permanent satisfaction—how happened it that such a measure was postponed? The Irish Tithe Bill was not postponed because Ministers were divided in opinion upon the subject, nor because they were unprepared to take it up, nor because they awaited the Report of the Commissioners of Public Instruction; but because, for some inscrutable reasons, the Government thought it better to destroy the Tories in the cities and boroughs of England, than to redress what their friends had so long proclaimed to be the greatest grievance of the Irish people. If there were not time for both measures in the present Session, it appeared to him that England could have better afforded to wait than Ireland, and all he would add was, that if in the ensuing winter there should be an outbreak of popular discontent in Ireland, on Ministers and their supporters be the responsibility.

Sir *John Rae Reid* thought that as he represented a considerable body of freemen, as pure as any in the kingdom, it was his duty to come forward, and defend them from the unjust aspersions that had been cast upon them by the hon. Members on the opposite side of the House. If ever there was a time to express his indignation at such unfair aspersions it was the present. The attacks that had been made upon the freemen were the most unjust that had ever been levelled against any body of men. When he saw the numerical strength that the other side of the House possessed such attacks were, to say the least of them, highly disreputable.

Mr. *Lechmere Charlton* said in opposing the Bill he was influenced only by a sense of duty, and he called upon the

House to oppose an Act that was so unjust towards the freemen of England. It might not be allowed to pass into a law, as it contained principles at variance with those of the constitution of the country. It condemned a great number of persons unheard and without a fair trial, merely on the Report of a few Commissioners. It debased them from the situation they held, and it raised up other persons, who would believe that the measure was the triumph of one party over another. It was stated by a celebrated foreigner, in speaking of the High Court of Parliament, that the higher they were, the more cautious they should be in doing the slightest injustice to any one. He called upon that House then to be cautious how they sanctioned a measure that was an act of injustice to a very large body of men. It was notorious that the Corporation Commissioners, at least the greater part of them, were averse to the Corporations, and that no charges, notwithstanding, were brought by them against many Corporations. It was not fair on the part of the Government to legislate on the reports of such persons. He considered, and he had the authority of one of the first lawyers in the country for so doing, that there was an old law in existence which was strong enough to correct all the abuses that had crept into the Corporations. What was the necessity, then, for the present Bill? He would ask was it fair, that all the Corporations should be visited with the sins of the few? The Commission was an unfair one, and partially composed. The opinions of the hon. Member for Middlesex were well known respecting the clerical magistracy of the country, and that he would vote for having them all turned out of the commission of the peace. Now, supposing that there was a Committee of Inquiry instituted as to the clerical magistracy, would the hon. Member for Middlesex be allowed to be a member of it? Certainly not. Why, then should men, whose opinions were notoriously averse to Corporations be allowed to form a part of a Commission of Inquiry respecting them? One of the Commissioners, who was a Tory, was turned out of the Commission, and refused his pay solely on the ground that he was too much of a Tory. But would the Bill remedy the defects of the Corporations? It had been well said by the right hon. Baronet, the Member for Tamworth, and he fully agreed with the right hon. Baronet's opinion, that those who concocted the Bill would be the first to feel its effects, to detest it, and to wish it had never been passed. The Bill, he contended, was at variance with every principle of the Constitution—at variance with all justice; it would not meet the evils it was proposed to remedy, and it would spread confusion throughout the country. The hon. Member concluded by emphatically objecting to the Bill, chiefly on the ground that it proceeded on a principle totally unknown to the Constitution of the country.

Mr. *Grove Price* lamented, that with the exception of a few words from the noble Lord at the head of the Home Department, they had heard nothing from Gentlemen on the opposite side of the House on the present occasion. It was not a bare majority that would satisfy the country on this subject—people looked for argument. He had always felt, that on a great question, such as this, the mere fact of representing a large body of freemen was a narrow ground on which to found a speech—it was on the general principle of the measure that he wished to address the House. He objected to the course taken by the noble Lord, who, after having agreed to preserve the political rights of freemen, with a view to facilitate the passing of the Reform Bill, now came forward, and by a side blow destroyed those privileges. If the noble Lord had stated openly the right of freemen were to be abolished, however he might differ from the noble Lord as to the policy or practice of the proceeding, he would have admitted his manliness; but when he saw the freemen allowed to exercise their privileges temporarily for the purpose of smoothing down opposition, he felt obliged to say that he thought the noble Lord did not adhere to sound principles of policy or fair dealing. He always understood the Reform Bill to be a final arrangement—it was so represented by its advocates, and " the Bill, the whole Bill, and nothing but the Bill," was a watchword that rang through the country. Now, however, they found the noble Lord, who had wrapped up, swaddled, and dandled the babe of reform, unnaturally conspiring against his nursling while it was yet of tender age. The noble Lord now brought in his hand, *proh pudor!* an instrument to destroy a considerable part of our second charter. After this, what security existed for the permanence of any settlement, for the integrity of any measure?

He held it as a sacred principle that no right, privilege, or franchise, should be destroyed, except in cases of gross abuse, or where stern necessity, which overruled all law, dictated the act. Once establish a contrary rule, and where was the individual, or the body, whose rights would not be endangered? The principle affected rich and poor. Such a measure as the present, carried by mere majorities, not by moral weight and force of argument, involved a direct act of political tyranny. He objected to the Legislature suffering itself to be carried away by wilful caprice and humour to commit acts the most unjust and indefensible, simply on the ground of a supposed expediency. He had the strongest objections to the principle of perpetual political change—to constantly renewed elections, leading to angry feelings and breaches of social ties. Every free Government had been ultimately destroyed by frequency of elections, and what was true of Athens of old was equally true in the present day. Men might be changed by the influence of different states of society, and by other circumstances, but the leading passions and feelings of humanity were everywhere the same. If you brought election contests home to the door of every man day after day, what a degree of moral evil would be created! [*Question*]. He hoped, as he was discussing the question temperately, that his observations would be received with candour. The result of the practice to which he had referred would be, to set every man against his neighbour, and to break asunder the ties of private life. Nobody would enjoy or profit by such a system but bustling, meddling, agitators, to the annoyance of all quiet, industrious, and sober men. As soon as these elections were introduced into a town, every man of capital who could would quit it. He had seen the sad effects of such contests in towns where, by means of them, the morals of the population were rendered a subject of reproach, instead of affording, as they did previously, a ground for admiration. He thought it enough to state to the house, distinctly and positively, that he had seen such effects produced, without naming the particular places to which he referred. Another ground of objection to the measure was, that it extended to towns which were not only free from all accusation, but which had received from the Commissioners, the highest character as to the manner in which their corporate concerns were administered. Sandwich was one of those places the affairs of which were admitted to be admirably conducted, yet the noble Lord placed it upon the same Procrustean bed with Stafford. Having mentioned Stafford, he might observe, that his feelings were never more shocked than when he heard an hon. Member, who formerly represented that borough, and who had doubtless lauded his excellent friends the independent freemen, when courting them for their "most sweet voices," he was never more shocked than when he heard the hon. and learned Gentleman describe those very electors in such terms of reprobation as he had recently used. He believed that by the present measure an advance was made towards the establishment of the democratic principle, which would ultimately, he feared, destroy all the institutions of the country.

Colonel *Sibthorpe*, on presenting a petition from the freemen of Lincoln, had expressed his sentiments on this Bill, and therefore it was unnecessary to trouble the House with a repetition of his arguments, but he felt himself bound to protest against this measure. He spoke his own sentiments as an independent Member of Parliament, and as such he could not help expressing his deep regret at the absence of the right hon. Member for Tamworth on that important occasion. If the noble Lord had not forgotten his duty to the country as a Minister of the Crown, he would never have consented to have brought forward a measure for the total disfranchisement of the freemen. He sincerely hoped that that was the last measure the noble Lord would be able to introduce into that House.

The Bill was read a third time.

Mr. *Cayley* said, that there was an omission in Clause 91, which wanted supplying; and he rose to move an Amendment to that effect. That Clause was introduced for the purpose of providing a remedy against collusive purchases, sales and demises of Corporate property, since the 5th of June of this year, for undue consideration. But there were other modes of collusion; and it was in reference to one of these that his Amendment went. The object of the Bill was to get rid of self-elections in Municipal Government. Now, in some boroughs, the practice had been to let the corporate lands and other property only from year to year; but since the introduction of this Bill it was understood that a new practice had arisen, of letting leases for seven years or a longer term. The intent of this was obvious—namely, to continue certain lands and tenements in the possession of the partisans of the present Corporations, so as to prolong their influence in Corporate and Parliamentary elections. He (Mr. Cayley) contended that this was against the principle of the Bill, and the remedy for it came within the spirit of this Clause. The attempt was one to frustrate, so far as the power of the parties went, the intentions of the Bill. His amendment would frustrate that attempt, and would be totally inoperative and harmless where no such attempt had been made. It would serve the ends of justice, and could commit no injustice. The principle of his amendment was similar, also, to one proposed on a late evening, by the late Solicitor General, which went to protect the practice of certain boroughs with respect to long leases, which, by some oversight or other, had not been actually secured by covenant. He was in favour of that Amendment, because it was just. His object now was, to protect the principle of short leases, which had been the practice in other boroughs. It might be retrospective in point of letter, but not in point of spirit: and, at all events, was no more retrospective than the Clause as it now stood. If these attempts at collusive sales and demises were not legal, then the common law would protect the new councils, without this or a similar Clause. But if they were, according to the letter of the present law, strictly legal, but in spirit unjustifiable, and with intent to defraud and defeat the purpose of this Bill, then the House would go along with him, that such attempts ought not to be sanctioned by it. The object of these leases evidently was to continue the influence of self-elected bodies longer than was contemplated by the Bill, and therefore was against the spirit and principle of the Bill. To prevent such an intent as this could injure no one, and would improve the Bill; he expected, therefore, the support of every independent Member of the House who advocated the principle of the Bill. His Amendment was to the effect, that if the jury, by their oaths, should find that any demise had been made for a longer term than was usual before the 5th of June, 1835, every such demise and conveyance should endure as against the said body corporate and their successors for such term only as the jury should find to be according to the said practice of the said borough.

Lord *John Russell* said, that according to this Clause, whenever there was a case brought before a jury with respect to premises which were usually let for twenty years being let for sixty or for one hundred years, the question to be decided would be, whether an adequate consideration had been paid or not for the longer lease; if it had not been, then it would come within the meaning of the Clause to afford the party the option of either giving up the lease or paying full consideration for it, according to the value of the premises. But in the case of a longer term than usual having been granted, and the parties having given for it an adequate consideration, he thought it would be too strong a measure for Parliament to interfere. Fearing, then, that in the endeavour of Parliament to enforce a remedy for one injustice, it might commit another, he felt it to be his duty to oppose the Clause.

Mr. *Aglionby* supported the Amendment, because, without some such provisions, Corporations might grant leases for a period of 999 years.

The *Attorney-General* opposed it, thinking that the provisions of the Bill as they now stood were sufficient to guard against any collusion on the part of Corporations. The granting of a lease for 999 years would be a complete alienation of the fee. He hoped that the hon. Member for Yorkshire would not divide the House upon his proposition.

Mr. *Cayley* did not forego his opinion as to the necessity of the Amendment; but seeing the Government and the opposite side of the House against him, he felt that it would be useless to divide.

Amendment withdrawn.

Sir *Eardley Wilmot* moved "That the Corporation of Sutton Coldfield be left out of Schedule B." It was not a political Corporation, and was possessed of considerable trust property, which was enjoyed equally by all the inhabitants. Without some such exception, the inhabitants of Birmingham, Walsall, and other districts, would acquire a right to a share in that property, which would thus come to be divided among 200,000 persons.

Lord *John Russell* opposed the Amendment, and said, that the inhabitants of Sutton Coldfield were not desirous of the exception.

The Amendment was withdrawn.

Several Clauses were added and Amendments made, and then the Bill was passed.

STAFFORD DISFRANCHISEMENT.] On the Motion for reading the Order of the Day for the House to go into a Committee on the Stafford Disfranchisement Bill,

Mr *William S. O'Brien* moved that the privilege of sending two Members to Parliament, should be transferred from the borough of Stafford to the county of Cork. He said that he brought forward this Motion not only as an Irish Member who felt that his country had been aggrieved in the most important branch of national rights, but also as a Member of the British Legislature, anxious for the harmony and union of the two countries, and convinced that this union and harmony could only be maintained by treating Ireland in every respect as an equal, and by bestowing upon her rights and interests the same consideration which was given to the most favoured part of the United Kingdom. He would entreat English Members in approaching this subject to divest themselves of every thing like national jealousy, or party interest, and to consider it as a great question of international right, which was to be determined solely by the merits and justice of the claim. It had been his intention in an early part of the Session to have submitted the whole of the claim which he conceived Ireland was entitled to make, in reference to her representation in Parliament. He had intended to have proposed a series of resolutions to the effect of giving one additional Member to each of those counties in Ireland, the population of which equalled the population of those counties in England which had obtained, under the Reform Bill, two additional Representatives; and to have bestowed upon five of the largest of these counties two additional Members. The whole number of additional Members to which he should have laid claim would have been twenty-five. He was not sorry, however, that he had failed in obtaining an opportunity of bringing forward these resolutions, because he felt that there were some objections to making so large an addition to the number of the House, although he could not allow that this inconvenience was at all equal to that of leaving the people of Ireland a cause of complaint and discontent. These objections, however, did not apply to the present Motion. The House had determined that Stafford ought to be disfranchised, and what he now asked involved no increase of the numbers of the House. He only called upon the House to evince a disposition to do justice to Ireland, by paying the first instalment of a debt which they could not deny to be fairly due. Before he stated fully the grounds upon which he conceived that Ireland was entitled to twenty-five additional Representatives, he would point out some instances in detail of the very different mode in which the two countries had been treated at the passing of the Reform Bill. He found that the county in England possessing the smallest population which then acquired the privilege of sending four Members to Parliament was the county of Cumberland—the population of which was 169,681. The population of the county Cork, which still sends only two Members to Parliament, is 703,716—being more than four times as great as that of Cumberland. The next lowest county in England, in point of population, which obtained two additional Representatives, was the county of Northampton—the population of which was 179,336. Take another case: the population of the principality of Wales was something less than the united population of the county and city of Cork—the population of Wales being 805,226—that of Cork county and city 810,732. The whole number of Representatives, including boroughs, allotted to Wales was twenty-nine, of which number five had been added by the Reform Bill. The whole number of Members sent to Parliament by the county and city of Cork, boroughs included, was only eight. If the population was taken as the basis of representation, Ireland would be entitled to 210 out of the whole number of 658 Members—the population of Ireland being 7,734,368—whilst that of the United Kingdom was 24,271,763. But it would be said that population was not the only element upon which such a calculation should be founded. He was willing to admit that other elements ought also to be taken into consideration, although, in the allotment of Representatives to the English counties, their relative population alone had been considered. He would, however, admit, that revenue was an element which ought to be introduced into the computation, and he was quite contented to place the claim of Ireland upon the joint basis of population and revenue. He would take the revenue of Ireland at one-tenth of the whole revenue of the United Kingdom. Every one who knew anything about Irish finance was aware that the financial accounts submitted annually to Parliament did not exhibit a fair statement of the amount of taxation actually paid by Ireland, because a large proportion of the commodities consumed in Ireland paid duty in England. The total amount of taxation which is so paid in England by the Irish consumers, and which is credited to the account of English revenue, he believed rather to exceed than to fall short of one million a-year. In order, also, fully to estimate the amount of taxation paid by Ireland, it would be fair to take into consideration the taxes paid by persons residing in England, who derived their incomes from the industry and resources of Ireland. The revenue arising from the Irish Crown Lands was also carried to the account of the English, not of the Irish revenue. If all these circumstances were fairly taken into consideration, it would be found that the taxation paid by Ireland amounted to about one-eighth of the whole revenue of the United Kingdom. In order, however, to leave no room for cavil, he would take the revenue of Ireland at one-tenth of the whole. Upon the basis of revenue, then, Ireland would be entitled to 65 Members out of the 658; upon the basis of population to 210. If the mean of these two numbers were taken, the result would be, that Ireland would be entitled to 137 Members. Other elements might be introduced into the calculation, and still the claim of Ireland could be fully substantiated. Exports might be taken, as also area and rental. He believed that the exports of Ireland would be found to be about equal to one-sixth of the whole exports of the United Kingdom. The area of Ireland was something more than one-fourth of the area of the United Kingdom, there being in Ireland 20,399,608 acres, and in Great Britain 56,109,545 acres. The rental of Ireland might be taken at about one fifth of the rental of the United Kingdom. The value of lands and houses in Great Britain, in the year 1815, was 58,551,071*l.* per annum; and considering the great change which had taken place in the value of money, and in the price of all articles, it was probable that the annual value of real property in Great Britain at the present moment rather fell short of this estimate. The annual value of lands and houses in Ireland might be estimated at fifteen millions sterling. Taking, then, the area and rental jointly of Ireland as one-fifth of the area and rental of the United Kingdom, Ireland would be entitled upon this ground to 130 Members—we may then state the case thus:—population gives 210 Members; revenue, 65; areas and rental, 130;—the mean average result of these three elements is 135. If we throw in exports at one-sixth, we reduce the general result to130. Upon this number then he would take his stand, and maintain that Ireland was entitled to at least 130 Representatives in Parliament. If any one could show that this calculation was fallacious, he would be quite willing to abate any part of the claim which appeared to be exorbitant; but if his correctness could not be denied, he called upon the House to take the first step towards doing justice to Ireland by supporting the proposition which he had ventured to make. He was prepared to show that the transfer of these Representatives to Ireland would not be attended with any injury to the local interests of Staffordshire; that county would still have an aggregate of fifteen Representatives, and the account as between Staffordshire and Cork would stand thus:—Staffordshire with a population of 410,512 persons, and an area of 736,290 acres, would enjoy fifteen Members; the county of Cork, with a population of 703,716, an area of 1,725,100 acres, and a rental of 1,137,242*l.*, would have only eight Members—its boroughs being included. He would not insult the understanding of the House by dwelling upon the advantages which must result to any country from being fully and fairly represented in the great Council of the nation. He expected to hear it objected to this Motion, that the Reform Bill ought to be considered as a final measure; but for his own part he had always thought it an absurdity to call anything in human affairs final. He could never admit the right of one Parliament to bind another; but, least of all, could he admit that injustice ought ever to be final. It would also be said that Ireland was now in a better position than that in which she had been placed by the terms of the treaty of the Union—inasmuch as she had obtained five additional Members at the time of the Reform Bill; but he must wholly deny that the terms of that treaty ought to be considered as indicating the just rights of Ireland. It was a matter of historical notoriety that the terms of that Union had been purchased from corrupt majorities in both Houses of the Irish Parliament, against the universal sense of the Irish nation, and therefore every Irishman repudiated the terms of the Union as utterly null and void, when used as an argument against the rights and interests of his country. He was aware, that it would be said by the Scotch Members that Scotland was inadequately represented. He would allow that the Representation of Scotland was inadequate as compared with the Representation of England; but she was more advantageously circumstanced compared to Ireland, than she was disadvantageously circumstanced when compared to England. He thought, therefore, that the Scotch Members ought, in the first instance, to assist in obtaining for Ireland its just rights, and as soon as Scotland and Ireland were placed exactly on a par, it would then be right, that as opportunities offered the Representation of both countries should be brought to the level of the Representation of England. Before he sat down he would only say if it were intended, as it was professed, to adopt a new system of Government in Ireland, to rest upon the affection of the Irish people, the concession of this trifling boon would be an act of wisdom which would be received in a spirit of gratitude by a nation which was at this moment prepared to yield to the Government and to this House all its confidence. He had lived for the last four or five years almost entirely in Ireland, and he could assure hon. Members that they were much deceived if they thought that the agitation which had convulsed Ireland during that period had been the creation of one man, or of any set of individuals. It had its origin in the continued existence of a great many causes of just discontent, which rendered it easy at any time to embody the national sentiment of Ireland in hostility to the Government and institutions of England. Remove these causes and you destroy agitation—allow them to continue and agitation will return; and among the causes of complaint there surely is none more legitimate than that in reference to that branch of Ireland's national rights upon which all her other interests depend—you have perpetrated an injustice, which, instead of repairing, you are determined to confirm and continue. In giving the House an opportunity of taking the first step towards dealing out the same justice to Ireland which it accords to other more favoured portions of the United Kingdom, he had endeavoured to perform a duty which he conceived that he owed to his country, and it would be for the House to perform its duty towards a nation which might justly claim to be one of the most important subsidiaries to British grandeur and British power. The hon. Member concluded by moving "That it be an instruction to the Committee to transfer the two Members hitherto returned by the borough of Stafford to the county of Cork."

Mr. *Divett* was not disposed to regard the Reform Act as a final measure, if it were shown that its provisions could in any instance be altered with advantage. At the present period, however, he thought it would be extremely inconvenient to enter into a discussion involving the whole question of the general distribution of representation. He should, therefore, oppose the motion, although he could assure the hon. Member that, if ever the Question of Representation should be opened, he should be prepared to do full justice to Ireland.

The House divided on the Amendment, Ayes, 19; Noes, 159;—Majority, 140.

### *List of the* AYES.

Baldwin
Blake, M.
Clements, Lord
Crawford, S.
Fitzsimon, C.
Fitzsimon, N.
Martin, T. (Galway)
Martin, J.
M'Namara, W.
Mullins, Hon.
Nagle, Sir R.
O'Brien, C.
Rundle, J.
Roche, W.
Roche, D.
Vigors,
Vigors, T.
Westenra, Hon. H.
Westenra, Hon. Col.

TELLERS.

O'Connor, Don
O'Brien, W. S.

The Order of the Day was read.

On the Question that Mr. Speaker do leave the Chair,

Mr. *Edward Buller*, in introducing the motion which he was about to make as an amendment to that of the hon. Member for Exeter, said, his object was not to make a speech, but to serve Stafford; and, therefore, he should not detain the House longer than necessary. If he could show as the grounds on which he moved the amendment, that notwithstanding the evidence brought forward in the case of Stafford, the criminality in that case did not equal that degree which had always been required by that House before adopting proceedings to disfranchise it;—if he could show that in a recent case, the degree of criminality exceeded that of Stafford, and yet no such proceedings were taken—if he could show (as he trusted he should) that the course pursued with regard to Stafford was altogether unprecedented, and that there were circumstances which entitled that borough to considerable indulgence—if he could show, during a considerable time which had elapsed subsequently to those proceedings, that a very great change had taken place in the borough; that a great portion of the guilt formerly contracted had been removed, by men, since added to the burgess roll, who had no participation in that guilt—if he could further show, that at a late election, very similar to the case of Stafford, where bribery had been clearly proved as well as intimidation, the inhabitants threw themselves on the justice of the House and demanded further investigation, and that in a case so similar the House did allow further inquiry—if he could make out all these points, he thought he should satisfy the House that, with respect to Stafford, further inquiry was necessary. With respect to criminality, he (Mr. Edward Buller) trusted the House would do him the justice to believe, that he would not stand there as the advocate of those who, by their guilty practices made the borough appear unworthy to possess the elective franchise. But, admitting the whole of the evidence in respect to Stafford to be correct, there still remained 324 individual electors whose character was unimpeached. There was also to be regarded the character of the evidence, which in this instance was peculiar. In all other cases they had unwilling witnesses, and were forced to extort the truth from those who gave it most reluctantly; but in this case there was a peculiar violence of political party—of the friends of opposing candidates—the new 10*l.* householders, and the old freemen of the town; and the object of each was, to bring forward all they knew, (and even a little more than they knew) to blacken the character of the other. When he regarded all this, he must say, that it appeared to him, the evidence ought to be received with considerable caution. He knew it was said, in a recent case, that notwithstanding what had previously transpired, tickets for soup, &c. were given to all the voters; but he could say, that 596 tickets were given to those who did not vote, and had no votes at all; in fact, they were given to every person in the borough who was willing to take them; and he must put it to the House whether it was likely, any man in his overflowings of liberality would, in a town containing 9,000 inhabitants, give 5*s.* to every man who asked for them, even to numbers who had no residence in the borough. In the case of another borough to which he had alluded, corruption was extended to all classes: one witness was asked how many electors he thought might not have been bribed? His answer was, "There might, perhaps, have been two or three." But in this case of Stafford, it appeared in evidence that upwards of 300 were pure; and as to the Corporation of Stafford, there was the strongest testimony borne to it in the Report of the Committee. He could not see why a greater degree of punishment should be awarded to the case of Stafford than to that of East Retford. All that he asked was further inquiry; he could find no parallel between the case of Stafford and the cases of boroughs which had been disfranchised. In the case of Stafford, no person had been prosecuted for those transactions, and not one of the Members had lost their seats; nor was there one precedent which could justify the House in proceeding without the clearest evidence of the Committee, to inflict the severest of the penalties which it was in the power of the House to inflict. In the case of East Retford, the bribery was much more systematic than that of Stafford. The clergymen, the aldermen, the most respectable men of the town, were corrupted; 20*l.* was the regular sum demanded for a vote, and the Town-Clerk actually could not lay his hand upon more than three electors who had escaped the corruption, and yet, in this case, attended with such a mass of corruption, the Legislature was satisfied with extending the franchise to the adjoining villages. He did not mean to ask so much as that; he only put it to the House whether, in the case of Stafford, there was not a stronger claim upon its indulgence than a borough on which it had inflicted a much lighter penalty than was now proposed to inflict on Stafford. At the last election for Stafford there were five candidates. There had been petitions presented to the House by upwards of 300 voters, distinctly denying all bribery whatever. He had received from his hon. Friend, who now represented the borough, a distinct denial of any bribery on his part; he had also received the same assertion from the other late hon. Member for that borough. He had also a letter, addressed to one of the candidates, signed by 312 electors, solemnly denying corruption of any kind on his or their part, in the late election for the borough. He had the same testimony, in short, for four out of the five candidates. He had had an opportunity of communicating with the fifth, but with regard to the four, he had no doubt that every vote was given in the most constitutional way, without any promises of remuneration of any kind whatever. He, therefore, did believe with many other hon. Members, that further inquiry on this subject would be desirable. In the case of Liverpool, the corruption was at least as bad as that of Stafford; but peculiar circumstances interfered with the Bill for its disfranchisement. After a delay of two years the House granted a Committee for further inquiry, although in that case there was not, as in the case of Stafford, a petition denying bribery at the last election. Upon these grounds he would beg leave to move, in conclusion, as an Amendment to the Motion for going into Committee, "That a Select Committee be appointed to inquire into the bribery and corruption which have prevailed at elections for Representatives for the Borough of Stafford, and to report their inquiries to the House. And that it be an instruction to the Committee, that they report, in the first place, the result of their inquiries as to the last election.

Mr. *Divett* contended, that if Amendments like the present were acceded to, it would always be impossible, especially at an advanced period of the Session, to disfranchise a corrupt borough.

Lord *Sandon* maintained, that there was a growing desire on the part of the respectable inhabitants of Stafford to rescue the town from the imputation which had so long attached to it. He supported the Amendment.

Mr. *W. E. Gladstone* said, thatas allusions had been made to Liverpool, he would take upon himself to say, that during the long time that Mr. Huskisson and Mr. Canning represented Liverpool, not one sixpence had been spent in bribery. The great scene of bribery was in 1830, when the candidates were of the same political opinions.

Captain *Chetwynd* warmly defended the Borough of Stafford from the imputations which had been cast upon it. He would have done so upon the second reading of the Stafford Disfranchisement Bill; but such was the noise and confusion in the House, that that Bill had been read a second time without his being at all aware of the fact. He solemnly declared, that the constituents by whom he had been returned for Stafford, had not received a single bribe or reward of any description. The hon. Gentleman proceeded to read passages from the Report of the Committee that had been appointed on the subject, and from the evidence adduced before that Committee, and to point out numerous inconsistencies in the former and discrepancies in the latter. The hon. and gallant Member then concluded by expressing it as his opinion, that there was not sufficient evidence to warrant the disfranchisement of the borough. If he should again have the honour of being returned for that borough at the next election, he pledged himself that if any corrupt or unlawful practices were resorted to, so far from attempting to defend them, he should cheerfully lend a helping hand to bring those guilty of them to justice.

The House divided on the original Motion; Ayes 98; Noes 19; Majority 79.

The House went into a Committee; the Bill read and agreed to and ordered to be reported.

### *List of the* AYES.

Adam, Admiral
Alston, R.
Baines, E.
Baring, F.
Bewes, T.
Blake, M.
Blount, Sir C.
Bowring, Dr.
Brabazon, Sir W.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Campbell, Sir H. P. H.
Cayley, E. S.
Cavendish, C.
Chapman, M. L.
Clerk, Sir G.
Crawford, S.
Curteis, H. B.
Curteis, Major E.
Divett, E.
Donkin, Sir R.
Dundas, T.
Dykes, F. L.
Ebrington, Lord
Egerton, Sir P. D. M.
Elphinstone, H.
Etwall, R.
Ewart, W.
Fellowes, Hon. N.
Gaskell, D.
Gladstone, W. E.

Hardy, J.
Harland, W. C.
Hay, Colonel L.
Heneage, A.
Hindley, Charles
Howard, P.
Hume, Joseph
Hutt, W.
Hurst, R.
Ingham, R.
Labouchere, H.
Lennard, Sir B.
Lennox, Lord G.
Macnamara, Major
Marsland, H.
M'Cance, John
Murray, J.
O'Brien, C.
O'Loghlen, M.
Parrott, J.
Parry, Colonel J.
Pease, J.
Pechell, Captain
Pelham, Hon. C. A.
Phillips, C.
Plumtre, J. P.
Poulter, J. S.
Poyntz, W. S.
Price, Price
Price, Sir R.
Pryme, G.
Raphael
Roche, D.
Rundle, John
Ruthven, E., sen.
Ruthven, E., jun.
Sheldon, E. R.
Sheppard, Thomas
Speirs, A. G.
Stanley, E. J.
Strutt, E.
Stewart, R.
Stuart, Lord J.
Talbot, C. M.
Thompson, Colonel
Thornely, T.
Tooke, Wm.
Tracy, H.
Trowbridge, Sir T.
Tulke, C. A.
Tynte, Colonel
Tynte, C. J. K.
Vesey, Hon. T.
Wakley, Thomas
Wallace, R.
Warburton, H.
Wason, R.
Westenra, Hon. Col.
Wigney, J. N.
Williams, W.
Wilson, Henry
Wynn, Right Hon. C.
Wyse, T.
Young, G. F.

### *List of the* NOES.

Bagot, Hon. W.
Buller, Sir J. Y.
Buller, E.
Chetwynd, Captain
Cole, Viscount
Davenport, J.
Fleetwood, P. H.
Gaskell, J. Milnes
Goodricke, Sir F. H.
Heathcote, R. E.
Houldsworth, T.
Jones, Wilson
Kirk, P.
Mackinnon, W. A.
Morgan, C. M. R.
Moseley, Sir O.
Perceval, Colonel
Rushbrooke, Colonel
Sandon, Viscount
Scott, Sir E. D.
Vere, Sir C. B.

PAIRED OFF.

Lord E. Bruce
Mr. Chisholm

## HOUSE OF LORDS,

### *Tuesday, July* 21, 1835.

MINUTES.] Bills. Received the Royal Assent by Commission:—Soap Duties; and a Number of private Bills. Read a third time:—General Turnpike Act Amendment.

Petitions presented. By Lord ASHBURTON, from St. Mary, Newington, against the Consumption of Spirits.—By Viscount DUNCANNON, from Lismore and Tallow, for Equalizing the County Rates in Waterford; from Dungarvon, against—By the Earl of WICKLOW, from several Places, in favour of the Assizes' Removal (Ireland) Bill.—By the Earl of WICKLOW, from Rath Clara, against the Tithe Bill to be introduced into their Lordships House.—By Lord POLTIMORE, from Bridgewater, in favour of; and by Lord DYNEVOR, from York, against the Municipal Corporations' Bill.—By the Marquess of BUTE, from Liverpool, and by the Duke of NEWCASTLE, from Cardigan, against any Alteration in the Timber Duties.

CORPORATION REFORM.] Lord *John Russell* and others from the Commons brought up the Municipal Corporations' Reform Bill, which was read a first time.

ADMINISTRATION OF JUSTICE (IRELAND).] Viscount *Duncannon*, referring to certain returns which had been moved for by a noble Baron opposite, relative to the convictions and sentences upon certain offenders under the Irish Processions' Act, said, that he had to state that the circumstances to which the motion referred were those which related to a recent conviction of offenders at Derry. The offenders were both Catholics and Protestants. They had been tried before Baron Joy, and the sentences, upon the Protestants had, in every instance, been for a term of one, two, or three months' imprisonment, while the sentence upon the Catholics had been six months. In consequence of this difference an application had been made to the learned Baron, and his answer was, that unless new facts were disclosed, he saw no necessity for altering the sentence. A memorial on the subject was afterwards addressed to the Lord-lieutenant, stating that the sentence upon the Protestant offenders having expired, and the circumstances under which the Catholics had acted being nearly the same, the memorialists prayed that the Lord-lieutenant would remit the remainder of the sentence which had been passed upon them. This memorial was signed by the Mayor of Derry, and by nearly all the jurymen who had tried the persons. The Lord-lieutenant, in the exercise of the undoubted right of his Majesty, had remitted the remainder of the sentences without any further application to any individual.

Lord *Farnham* said, that it appeared from the noble Viscount's statements, that the facts were exactly such as he had previously represented them. In granting this remission of the sentences, no application whatever had been made to the judge who tried the prisoners. He was justified in saying, therefore, that had such application been made, the answer would have been unfavourable. The learned Judge must have considered the criminal circumstances attending the offence as committed by the one party to be greater than those attending the other, or he would have been wholly unjustified in passing a different sentence upon them. There was no doubt that the Lord-lieutenant had the full power and discretion to do what he had done, but he (Lord

(Farnham) must say, that he did not think that that discretion had been wisely exercised, since the sentence had been remitted, not only without the approbation of the Judge, but, as he was justified in presuming, contrary to the Judge's opinion.

Viscount *Duncannon* had not intended to cast any blame on the learned Judge who tried the prisoners; but in the same way that he gave credit to the learned Judge for discretion in the exercise of the duties of the judicial office, he must also say, that he was sure that the Lord Lieutenant had taken full pains to ascertain whether the remainder of the prisoners sentences ought to be remitted or not.

Subject dropped.

ARDENT SPIRITS (IRELAND).] The Marquess of *Westmeath* took the liberty of directing the attention of the noble Viscount to the concluding paragraphs of the Report made by the Commons' Committee of 1832, on the evils arising from the want of proper powers being vested in the Magistrates of Ireland to grant or refuse licences, and from the abuse of the use of ardent spirits in that country. This was a subject of considerable importance. The Bill which now regulated these matters in Ireland had been passed at a late period of the session, and the effect of the measure was to take from the Magistracy the right of licensing, and to place it elsewhere, so that the consumption of ardent spirits was now indefinitely increased, and unless something was done to prevent the consumption of them in remote parts of the country, where the police had little or no control, the results might be fatal. It was in vain to legislate to prevent crime if something was not done on this subject, for most of the crimes now committed arose from those sinks of iniquity over which the Magistrates had now no control.

Viscount *Duncannon* was sorry to believe that the Bill which had been passed upon this subject had not produced the good effects which were anticipated from it. He thought, however, that in the Corporation Reform Bill for Ireland, of which notice had already been given in the other House, some Clause would be found to meet the evil. As there was something of the sort in the English Bill so he thought there would be in the Irish Bill. It was most desirable that something should be done, for the Magistrates had now no proper control over these places.

Lord *Farnham* said, that as to the Irish Municipal Corporations' Bill he hoped that their Lordships would not consent to entertain it during the present Session. They had not the documents on their Table which would enable them thoroughly to inform themselves on the subject, and they could not go into it without a lengthened inquiry which the advanced state of the Session rendered quite impossible. He should certainly oppose their entering on that measure at all during the present Session.

The Earl of *Wicklow* said, it had given him much pleasure to hear the noble Viscount state that the Bill now regulating the licences in Ireland, had not worked well, and must be altered; but at the same time, he wished to observe, that there were some of the provisions of the Bill not at all objectionable, and he should like to see them continued. He trusted that such would be the view of the noble Viscount on further consideration.

Subject dropped.

SINECURE CHURCH PREFERMENT BILL.] The Archbishop of *Canterbury* rose to move the Order of the Day, that the House should resolve itself into a Committee of the whole House on the Bill, the principal object of which was to prevent the lapse of benefices where there was no cure of souls. The most reverend Prelate observed, that the Ecclesiastical Commissioners had entered into very extensive inquiries with respect to such benefices, and had collected a vast mass of information on the subject; but that they were unable to devise any general plan for carrying the object desired into effect. The fact appeared to be, that various cases must be made the subjects of separate consideration. The Commissioners had been engaged in preparing two Bills, the one to enforce the residence of the Clergy, the other to restrict pluralities; but they found that it was impossible to bring them in in the present Session. Reflecting, indeed, on the evils which frequently attended partial legislation, and on the inconvenience of introducing at different times measures which might afterwards be found to contain conflicting provisions, the Commissioners had thought it better to wait until they might be able to bring the whole question of Ecclesiastical affairs under the consideration of Parliament. They had, however, as as he had already said, collected so many facts, that they hoped to be able to propose a Bill in the next Session for regulating Bishoprics and Dioceses, for placing collegiate churches on a better footing, for enforcing residence, and for restricting pluralities. In the mean time, he had the satisfaction to say, that his Majesty had been graciously pleased to declare his intention not to prefer to any Ecclesiastical dignity or benefice, of the nature in question which might fall vacant, The Archbishops and Bishops and a number of private persons, possessing ecclesiastical patronage, had made a similar declaration. Under these circumstances, however, it became necessary, in the first place, and in justice to the various patrons, to secure the several dignitaries and benefices which might become vacant from lapsing to the Archbishops, Bishops and others, to whom, as the law now stood, they would fall. The Bill before their Lordships provided for that point. It was his intention, however to propose in the Committee two additional Clauses; the one to prevent the Bill from having any retrospective action; the other to declare (as a mistaken inference might otherwise be drawn) that nothing in the Act should prevent his Majesty, or any other person or body possessing the patronage of any benefice having a cure of souls, from presenting in the event of a vacancy. These Clauses and some alterations in the Bill, he would propose in the Committee; and on the reception of the Report, he would move that the Bill, as amended, be printed.

The House resolved itself into the Committee. His Grace introduced the two new Clauses he had mentioned, which, with several other Amendments, were agreed to. The House resumed. The Report was received, and the Bill, as amended, was ordered to be printed.

## HOUSE OF COMMONS,

*Tuesday, July* 21, 1835.

Minutes.] Bills. Read a third time:—Stamp and Tax Offices; Lunatic Acts' Continuance.—Read a second time: —Registrars Office Improvement.

Petitions presented. By Mr. O'Connell and Mr. Callaghan, from a Number of Places, for a Re-valuation of Tithes.—By Mr. Grote, from Wellingborough, against the Duty on Newspaper Stamps; from Stockdale, for the Repeal of the Duty on Soap and Candles.—By Mr. E. J. Stanley, from the Retailers of Beer in several Places, to be put upon a footing with Licensed Victuallers,—By Earl Jermyn, Mr. Buckingham, and another Hon' Member, from several Places,—against Drunkenness.—By Mr. Herries, from New Brunswick and other Places, against any Alteration in the Timber Duties.—By Mr. Bruen, from St. Peter's, Drogheda, against the Church of Ireland Bill.—By Mr. Wadham Locke, from Devizes, for a Reduction of the Duty on Snuff and Tobacco.—By Mr. Browning, from Boston, against any Alteration in the Timber Duties.—By Mr. Dunlop, from Glasgow, against the Imprisonment for Debt Bill; from an Association in Anderston, against the Corn Laws.—By Mr. Hope Johnstone, from Lochmaben, for Protection to the Church of Scotland.—By Mr. D. Browne, from two Places, for a Better System of Education in Ireland.—By Messrs. Vesey, Bethell, Plunkett, and Colonel Verner, from a Number of Places, against the Church of Ireland Bill.

The Church (Ireland)—Committee.] Viscount Morpeth moved the Order of the Day for the House to resolve itself into a Committee on the Tithes and Church (Ireland) Bill.

Sir *Robert Peel* addressed the House as follows:

Sir—I rise for the purpose of moving the instructions of which I have given notice, to the Committee upon the Bill relating to the Church of Ireland, instructions to the effect that the Bill be divided into two parts, in order that the House may have an opportunity of giving a separate consideration to that part of the Bill which provides for the recovery of tithes, and for the realization of property justly belonging to the Church and that part of it which establishes a new distribution of Church property, and its application to other than Ecclesiastical purposes. I rise oppressed with a deep anxiety, partly arising from the vast importance of the subject on which I am about to address you, and partly from an apprehension that I may not be able to do justice to my own conviction, to my own deep impression, that, if reason and justice shall prevail, the House will never consent to the appropriation of Church property that is now contemplated. Believing that my conviction is grounded, not on feeling or prejudice, but upon the force of demonstration which it is impossible to resist—I am oppressed with the natural anxiety which accompanies the fear, lest, through some defect of statement, some omission or obscurity in the argument, that assent of the mind which ought to follow clear and conclusive reasoning, may be withheld, and lest the advocate, through the unskilful use of the instruments at his command may fail in bringing home to others that conviction which presses upon his own mind with irresistible force.

I well know that there exist great impediments to my success—that there are great and numerous obstacles in the way of that for which I have to contend. In the first place, I have to contend against that prejudice which it is difficult to overcome—that prejudice which arises from repeated exaggerations as to the amount of the Church property—exaggerations which have been made with such confidence—which have been reiterated so often and from so early a period—that it is now difficult to remove the impression they have made on the public mind.

In addition to that obstacle with which I have to contend from the effect of repeated exaggeration, is another and an equally powerful one. We have adopted a resolution, based on the erroneous estimate, and proposed and carried expressly with a view to a party triumph. The victory has been gained—the Government has been overthrown—the irrevocable pledge has been given. What hope is there now that the Irish Church will have a fair hearing, and that there will be candour and justice enough virtually to rescind the Resolution, which decided that the property ought to be alienated and applied to other purposes. What hope is there, that the tardy correction of notorious error, the establishment of the unsuspected truth, on evidence which cannot be shaken will prevail against those barriers which will be raised by the force of habit, by the effect of long-continued assent to exaggeration and mistatement—and, above all, by the false pride and false shame, which will forbid the revocation of the hasty pledge which has been publicly given by a powerful and victorious party?

I will in the first place state the principles upon which I shall conduct my argument. I waive the discussion for the present of some of the most important grounds on which the inalienability of Church property has been on former occasions maintained. I do not abandon them. I admit their full force; but I select another ground, because, if I can establish it, I ought to compel the acquiescence and assent of those who are most opposed to me. I do not, therefore, bring forward the general principle of the sacredness of property, or the special confirmation of that property in the case of the Church in Ireland by the Act of Union. I waive any reference to the Bill for the relief of the Roman Catholic disabilities and the declarations it imposed,—I take your own tests—I combat with your own instruments—I rely on your own evidence—I stand within the circle which you have drawn around me—and, without transgressing its narrow limits, I will attempt to prove to you, that, on your own admissions and your own principles, you have no surplus of Church property to dispose of, and that the pretence of this Bill, that there is such a surplus, is a dishonest one.

In approaching this question, it is my desire to take nothing for granted, but to establish every conclusion which I shall draw from premises which cannot be questioned. And first, as to the fact and the extent of exaggeration. I have met it in every form and in every degree—in pamphlets, in conversation, in speeches—varying from errors of small amount to an error of millions. I have read a letter of a late Roman Catholic Prelate—one of high reputation in his own country, and who was supposed to possess peculiar information on the subject on which he wrote. I allude to the late Dr. Doyle. That right rev. Prelate, in a letter addressed to Lord Farnham, made this statement as to the revenues of the Established Church in Ireland, and also as to the numbers of those Protestants in communion with that Church for whose religious instruction those revenues were destined: "Can your Lordship, laying your hand on your breast, appeal to your conscience or honour and then say that the Irish Church Establishment requires no reform? It is impossible that you could, my Lord, beause it is monstrous to think that an annual income amounting to several millions sterling should be appropriated, in such a country as Ireland, to the maintenance of the pastors of less than one-thirtieth part of the population."

Here then was an Irishman, a Roman Catholic Prelate, estimating, in a work, by the publication of which he challenged that contradiction which he never received—estimating the Church revenues of Ireland at several millions, and the Protestants, for whose religious instruction those millions were expended, at about 260,000. Can one be surprised, then, that the writer of that statement should have characterized the Church of Ireland in these words?—"A man of reflection, living in Ireland, and coolly observing the workings of the Church Establishment, would seek for some likeness to it only among the priests of Juggernaut, who sacrifice the poor naked human victims to their impure and detestable idols." Into the same errors, members of the legislature (themselves also members of the Church) have fallen. I find that the hon. Member for Middlesex, in introducing, on the 6th of May, 1824, a measure relating to the Established Church in Ireland, made statements respecting that Church, the numbers in communion with it, and the amount of its revenues, which shewed his total want of accurate information on the subject. I say this, not as imputing blame to the hon. Member for wilful misstatement, for no doubt the hon. Member thought he was stating what was correct, but I now mention it because I am attempting to show, and if possible to remove, the obstacles which exist, to a fair, dispassionate, and unprejudiced consideration of this question, from the very grossly exaggerated accounts which have already gone forth to the public respecting it. On the occasion to which I allude, the hon. Member for Middlesex estimated the number of Protestants belonging to the Established Church in Ireland at 500,000. He said, that he had taken great pains to ascertain the revenues of the Irish Church, and these he estimated at 3,200,000*l.* His statement was, that "according to the best calculation which he had been able to make, there were Church lands, which, if rented out as other lands were, would let for 2,500,000*l.* There were 14,000,000 of acres in Ireland, of which the clergy held two-elevenths, and, taking Wakefield's proportions, and the average value of property in the different counties, it amounted to that sum."* "Adding to the 2,500,000*l.* the average sum produced by 1,289 benefices at 500*l.* a-year each, the appointments would make a sum of 3,200,000*l.*"† The hon. Member added —"The comparison in Ireland was now one Protestant to fourteen Catholics. It might be one Protestant to forty, fifty, or sixty Catholics; and while this diminution clearly showed the worthlessness and inutility of the Church Establishment would any man be so hardy as to insist that that Establishment ought to be preserved at an expense of nearly 3,000,000*l.* sterling?" In later times, however, in discussions on the Irish Church, the extent of exaggeration has been somewhat diminished. When the hon. Member for St. Alban's brought forward his motion in the course of last year, he materially reduced the extravagant estimates of Dr. Doyle, and of the Member for Middlesex, but still he greatly overrated the revenues of the Church in Ireland, and underrated the number of those who professed its doctrines. In his motion on the property of the Irish Church on the 27th of May, 1834, the hon. Member for St. Alban's (Mr. Ward) said —"If, in lieu of adopting the averages which returns sent me would authorize me in taking, I assume Wakefield's average of one to fourteen, I cannot fairly be accused of any design to diminish the number of the Episcopalian Protestants below their real amount. This would give 600,000 in all as the number of those for whose exclusive benefit the present establishment is kept up. And what is the cost of that establishment? The glebe lands, together with the bishop's lands, the Ecclesiastical Corporations, and the returns of tithes, will make a total of 937,456*l.* as the yearly revenue actually received by the Irish Church.*" The motion of the hon. Member for St. Alban's on that occasion was seconded by the hon. Member for London (Mr. Grote,) who said—"My hon. Friend stated, that the expense of the Protestant Church Establishment in Ireland is 900,000*l.* annually; the number of Protestants of the Church of England (in Ireland) is not more than 600,000: the charge of the whole establishment, therefore, is not less than 1*l.* 10*s.* per head."† Thus, then, in the course of the last year, it had been assumed that the revenues of the Church in Ireland were 937,000*l.*, and that the number of Protestants did not exceed six hundred thousand.

When a noble Lord (Althorp), at that time Chancellor of the Exchequer, brought the subject forward in 1833, he fairly admitted the great extent to which exaggeration had been carried on the subject. In his speech on that occasion, the noble Lord said, "I can say, conscientiously, that greater exaggeration has prevailed upon this subject than has prevailed upon any other political topic that I recollect. Before I looked more narrowly into the question myself, I had greatly exaggerated to my own mind the amount of the revenues of the Irish Church Establishment."—"One great and very prevalent exaggeration relates to the revenues of the Bishops. I shall surprise the House when I mention, that the net amount of all their revenues is only 130,000*l.* a-year."—"I think, therefore, that I shall be justified in stating that all the revenues of the Church of Ireland applicable to the support of the ministers of that Church do not exceed 800,000*l.* I have gone into this detail," said Lord Althorp, "and have pressed it upon the attention of the House, in consequence of the exaggerations which prevail upon the subject, and which render it impossible for Gentlemen to come to a just consideration of this question without knowing the facts upon which it rests."* I give you the same caution that Lord Althorp did. I ask you to ascertain the facts before you form your conclusions; and it is the more necessary that I should repeat the caution, for Lord Althorp's own estimates were erroneous like those of his predecessors. I despair of removing the effect which has been made by these repeated mis-statements. I may correct the error, but I cannot efface the impression which it has made. There may be a reluctant assent to the correctness of my remarks, a tardy admission of past mistakes; but the prejudices against the Church will remain. The misrepresentation has had its effect. It has been repeated within these walls so often, that it is regarded as incontrovertible. It was brought back in petitions from the country; and we have mistaken the echo of our own delusions for new and confirmatory evidence of their truth. If, however, I shall make it appear that this Church, which is said to possess several millions, does not own property to the amount of one-tenth of that which she is said to hold, if I can make it clear and indisputable, that, instead of only 260,000 persons belonging to her communion in Ireland, according to the statement of Dr. Doyle, the number of Protestants connected with the Church of Ireland is 860,000, if this should be shown from the latest and most authentic accounts, I would ask hon. Members to renounce their own admitted error and to acknowledge the truth.

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* Hansard (new series) vol. xi. p. 543.
† Ibid. p. 547.

* Hansard (third series) vol. xxiii. p. 1383.
† Ibid. p. 1398.

Superadded to the difficulty which I have mentioned from the prejudices arising from oft-repeated exaggerated statements, there is another and not less powerful one in the Resolution decidedly hostile to the Established Church of Ireland, adopted by this House for party purposes, and under the influence of party feelings and prejudices. I will not argue the question with reference to any feelings of this kind. I will not argue it on any other ground than that of the force of evidence and reason; and let me add, that if the House resigns itself to the influences of a powerful party united against the Irish Church for purposes to which false delicacy or false shame may make them disposed to adhere, I admit that I have no chance for the success of my Motion; but if the House will struggle against the impression produced by erroneous statements, if I have to deal only with men of ingenuous minds, on whom I can hope to impress the conviction which so strongly weighs on my own mind, I have no doubt that I shall be able to carry my Motion by a large majority.

The Bill states in its preamble, that "whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the spiritual wants of the members of the Established Church, the surplus income of such parishes shall be applied to the moral and religious education of the people, without distinction of religious persuasion." Here then is first a fact assumed, and next a principle asserted. It is assumed that there is a surplus revenue, after adequate provision made for the spiritual wants of the members of the Established Church, and next the principle is asserted that that surplus should be applied for purposes other than Ecclesiastical.

Now, before we can satisfactorily decide what are the spiritual wants of the Established Church, and what therefore can constitute a surplus, it is necessary to bear in mind the principles and provisions of an Act which was passed so lately as the year 1833, which was brought in by the Government of Lord Grey, and was intended to effect important and substantial reforms in the Irish Church. It was generally known by the name of the Church Temporalities Act. By this Act, ten out of the twenty-two bishoprics of Ireland were suppressed, provision was made for the extinction of sinecure dignities, and for the suppression of benefices in places wherein divine worship had not been performed for the period of three years preceding. A large proportion of the revenue thus obtained was applied as a substitute for the Church-cess in Ireland, that is to say, the Church took upon itself a charge for repairing and building churches, which had up to that period been borne by the proprietor and occupier of land. Lord Grey gave a summary of the Bill to the following effect. He estimated the amount of the Church-cess at 60,000*l.* a-year. Another object of the fund which would be created by the Bill was the augmentation of small livings. The House of Commons had, by a separate Resolution, declared, that those clergymen whose parishes produced to them a maintenance of less than 200*l.* a-year should have their incomes raised to that amount out of the Church funds, that being the lowest which it was considered a clergyman ought to have who had the charge of a parish. He believed that the Resolution passed unanimously. It was true, the hon. Member for Middlesex growled a faint opposition to it; but he did not divide on the subject. The hon. Member had, however, afterwards candidly and manfully admitted in debate, that he thought 300*l.* a-year was not too much for the incumbent of a parish, actively engaged in the performance of parochial duties. The noble Lord (Grey) estimated, that the sum required for the augmentation of small livings would be about 46,500*l.* a-year. The sum required for the building of new churches was estimated at 20,000*l.*, and that for the purchase and improvement of glebes at 10,000*l.*, making the total charge on the Church Temporalities' Fund to be 136,500*l.* Now, to meet this charge, the noble Lord estimated that there would be 40,000*l.* a-year, as the interest of a capital of 1,000,000*l.*, which he expected would be realised by the sale of bishops' lands. The produce of the suppressed bishoprics was estimated at 50,780*l.* The tax on the remaining bishoprics was calculated to produce 4,600*l.* The tax on the incumbents of the several livings in Ireland, and the funds to be derived from suppressed sinecures, were taken at 42,000*l.* per annum; the repayments on account of glebe-houses for fifteen years were estimated at about 8,000*l.* The total charge on the fund was taken, as I have before observed, at 136,500*l.*, and its ultimate annual produce was calculated by Lord Grey at about 155,000*l.* Recollect that this was the fund, the only fund, out of which certain great objects, then declared to be of the utmost importance to the efficiency and stability of the Church, were to be provided for. From this fund, and from this alone, churches were to be repaired, small livings to be increased, glebe-houses to be built. On the faith of these assurances, we were called upon to relinquish the vestry-cess, and to consent to the suppression of ten bishoprics.

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* Hansard (third series) vol. xv. p. 566-7.

Now, what is the present condition of the funds under this Church Temporalities' Act, and how are they affected by this Bill? It will be found, that instead of the sum of 155,000*l.*, the actual amount of revenue received by the Commissioners under the Church Temporalities' Bill will not exceed 29,127*l.* Now it will appear from the papers to which I have referred, that the sum required for repairs of churches throughout Ireland amounts annually to 25,000*l.* Other expenses connected with the performance of divine service, formerly defrayed by the vestry cess, amount to 34,412*l.* In consequence of the vestry-cess not having been paid, many churches have gone so much out of repair, as to require a greater sum to put them in repair than they would have done had the repairs been made as soon as required. The expenses of the Commissioners, including salaries to Commissioners, clerks, agents, architects, and stationery, are 10,000*l.* So that here is an annual expenditure of 69,412*l.* to be charged on a present annual income of 29,127*l.* It is true the Commissioners have done that which is frequent with Irish Commissioners—they have realised a debt. A loan of 100,000*l.* has been advanced by the Treasury to the Commissioners, of which sum 46,000*l.* has been received, and of that sum 45,688*l.* has been applied to pay the vestry-cess of 1833 and the arrears of the cess of 1832 and 1831; and this, be it remembered, without making any provision for the building of churches, without making any provision for the augmentation of small livings, without making any provision for another important object of the Church Temporalities' Fund—the purchase and improvement of glebes. A calculation has been made as to the period when the fund will be productive, so as to be equal to the permanent expenditure of the Commissioners, and the answer to the inquiry on this point is, "If the permanent income of 83,440*l.*, as set forth by the Ecclesiastical Commissioners, is to be the only income certainly forthcoming, the annual funds of the Ecclesiastical Commissioners will never equal their contemplated expenditure, but, on the contrary, fall short of the same by an immediate and perpetual annuity of 3,446*l.*, or an immediate capital of 86,173*l.* Assuming that the doubtful income of 22,000*l.* from the tax on incumbents should be paid, the period when the funds would meet the yearly expenditure would be less than eighteen years, that is to say, in February, 1853. The period when the fund would reach its *maximum* would be in thirty-seven years and a half, or the 1st of August, 1873. The debt on the fund likely to be realised by the accumulation of the yearly deficit until the income may be equal to the expenditure is 412,382*l.* The time required to pay off such debt after it shall have attained its *maximum* will be twenty years from February, 1853, being from and after the 1st of August next thirty-seven years and a-half." But this answer proceeded on the supposition that the 100,000*l.* advanced by the Treasury to the Commissioners on the Perpetuity Fund would be paid off on the 1st of August next from the first proceeds of the Perpetuity Fund. I have not heard that any such payment is likely to be made by the 1st of August, and I see, from the despairing nod given by the right hon. the Chancellor of the Exchequer, that he has no expectation that such will be the case; and yet, with this knowledge, with the knowledge that it would take thirty-seven years and a-half before the fund would be productive, the noble Lord saddles it with five per cent. immediate payment on the present amount of tithes to each clergyman who shall sustain a loss by the operation of the present Bill.

The statements which I have just read will expose the miserable expedients of the Bill. The clergy appear to have a lien on a fund which might be, if every thing went on prosperously, in a condition to pay in about forty years. But the fund itself is at an end. The revenue to be realised under the former Bill is annihilated by this. The income from suppressed dignities is applied to another purpose. The tax on incomes above 300*l.* will become almost unproductive, for incomes are, at the discretion of the Lord-Lieutenant, to be reduced to 300*l.* The plain truth is, that the fund under the Church Temporalities' Bill will not meet the charges which heretofore fell on the vestry-cess, and that the promised provision for building churches and glebe-houses, and for increasing small livings, is at an end. So much for the bearing of the present measure on that which was described as a comprehensive scheme of Church Reform in Ireland, which was hailed with shouts of applause only two years since, as effectually correcting the abuses, and at the same time supplying the acknowledged deficiencies of the Church!

I will now consider the operation and effect of this Bill upon the general revenues of the Church, and prove the extent to which they will be reduced by it. Never was that mathematical process, the process of exhaustion, applied with greater ingenuity, or with greater success. There are three separate modes, all working simultaneously, by which the Church revenue will be affected by this Bill. First, there is to be at once a deduction of thirty per cent. from the present amount of tithe composition. Secondly, there is to be a power to re-open the compositions entered into, and fixed in amount either by arbitration or by voluntary consent of parties. This power is to be exercised, not by the Lord-lieutenant in Council, but at the discretion of three gentlemen sitting at Whitehall, the Commissioners of Land Revenue, under whom the Lord-lieutenant is to act as a mere subordinate and ministerial agent. It is true there may be some few special cases in which the composition ought to be re-opened—there may be some instances (I think they will be very rare instances) of fraud, or collusion, or gross error—if there be any such cases, a special remedy, with proper guards and securities against the abuse of it, might be provided. By this Bill, however, the decision is placed in the hands of three Commissioners of Woods and Forests and on that decision every composition may be re-opened. What will be the consequent position of the clergy of Ireland? Each incumbent may be called on to defend, not only his own temporary interest, but the permanent interest of the Church, in the amount of tithe composition. The present incumbent very probably has not been a party to the composition. There may have been two or three intervening incumbencies, the evidence may have been destroyed, the persons able to give parole evidence may be dead, the composition may have been effected, in the first instance, without minute valuation, through amicable compromise between the parties. And yet the unfortunate clergyman is by this Bill to be called on to defend the composition, upon the ground of his own existing interest during his life in the receipt of tithes; that is to say, the clergyman, who has been unable during late years to collect any tithe at all, is to defend compositions for tithe entered into fourteen or fifteen years ago, and in respect to which compositions he is possessed of no evidence. What, let me remind the House, is the tribunal before whom these compositions are to be re-opened? Three barristers, three at the very least, are to preside over the investigation. The composition may be re-opened separately in each parish of a union. In each, the charge of defending it on the part of the Church may be thrown on the incumbent. The barristers are to determine what portion of the expense incurred by their inquiries is to fall on him; and thus the clergyman, who has received nothing for the last three or four years, whose family may be actually starving, is to be visited with the triple curse of a visit from three barristers, at five guineas a-day each, besides their expenses, for the purpose of opening a composition under which he has recovered nothing. Now, I will take the case of a clergyman who, with a nominal income of 150*l.* or 200*l.* per annum, has not realized one shilling of his tithe for the last three or four years, and ask the House to conceive for one moment his feelings, when he sees a barouche and four, containing three barristers at five guineas a day each, drive up to his door for the purpose of re-opening a composition into which his predecessor had entered, and from which he has realized nothing. Let the House imagine the feelings of that man who, unable to realize one farthing of the stipend to which he is entitled, under a composition to which he was no party, is thus to bear the burden of an inquiry respecting which he possesses no information and no evidence. To what extent the re-opening of the compositions may proceed, it is impossible for me to calculate. It is equally impossible for me to calculate how far it will tend to diminish the income and revenues of the Irish Protestant Church; but surely it is most vexatious and unjust thus to encourage parishes to open the compositions to which they have in most cases been voluntary parties—or which have been arranged through the intervention of disinterested arbitrators. In short, the measure is in this respect fraught with greater injustice and individual hardship, than any measure I ever remember to have been submitted to the Legislature. This is the second battery which the noble Lord opposite (Lord Morpeth) has directed against the revenues of the Irish Church.

The third is the substitution of a new corn average for that which formed the standard of the compositions now existing. It is necessary that I should shortly state to the House the principles of those compositions. They were first provided for in the Bill which was brought in by my right hon. Friend (Mr. Goulburn) and which passed in 1823. That Bill was amended in 1824, and by that measure an option was given to make the composition for tithes to endure for twenty-one years, and, in conformity with the Bill of my right hon. Friend, most compositions have been effected for the term of twenty-one years. Consequently the composition under those Bills, if made from 1824 to 1831 inclusive, for the period of twenty-one years, would extend to the years 1845 or 1852 inclusive, and could not be open to revision in the intermediate time. The Bill of my right hon. Friend was succeeded by that of the noble Lord, the Member for North Lancashire, (Lord Stanley) by the provisions of which it was made compulsory, in cases where compositions had not been entered into under the former Bill, that they should be made. The Bill of the noble Lord did not at all disturb the compositions which had been effected for the term of twenty-one years under Mr. Goulburn's Bill. If under that Bill they had been entered into for that or for shorter periods, the contract, whatever it was, was to endure. Lord Stanley's Bill compelled a composition, in every uncompounded parish, making the new and compulsory composition variable every seven years, but assuming, as the standard which was to regulate the first composition, the average price of corn for the seven years preceding November 1830. The compositions under Lord Stanley's Bill were effected in the course of 1833 and 1834, and as they are invariable for seven years, they ought to endure of course until 1840 and 1841. Now, this Bill provides, in lieu of the standard adopted respectively in Mr. Goulburn's and Lord Stanley's Bills, that a new average of prices shall be taken; in short, that a principle shall be applied differing from that which has met with the consent of all parties. And what is the average now proposed?—that of the prices for the last seven years preceding the date of the present Bill. It is notorious both to the House and the country, that corn is now much lower in price than it was at the period when the average of each of the former Bills was taken. So far as I have been enabled to ascertain those averages, I believe them to be correct when thus stated:—The average prices for the seven years, ending the 1st of November, 1821, (that taken by Mr. Goulburn) was of wheat, 1*l.* 15*s.* 10½*d.*, oats, 13*s.* 11¾*d.* For the seven years ending the 1st of November, 1830, that adopted by the noble Lord, (Stanley) the average prices were, wheat, 1*l.* 12*s.* 0½*d.*, oats, 13*s.* The present average prices which will be brought into operation are—wheat, 1*l.* 10*s.* 1½*d.*; oats, 11*s.* 8¾*d.* Now, the effect of adopting these averages in lieu of the standard which guided the preceding measures will be, if my estimate be correct, to diminish the amount of the composition about sixteen per cent. or one-sixth of the whole; and this reduction is to be added to the three-tenths to which I have already alluded.

I have thus attempted to explain to the House the triple process by which the Church in Ireland is to be relieved of superfluous wealth:—First, the deduction of thirty per cent., a simple, intelligible, and definite deduction. Secondly, the reopening of compositions, the precise effect of which it is impossible to calculate. Thirdly, the substitution of a new standard of corn averages, in lieu of those which at present rule the tithe compositions. I will now apply practically the machinery of the Bill, and consider its operation, first upon a given amount,—say 100*l.* of tithe composition,—then upon a living of the nominal value of 600*l.*—then upon the general mass of Church revenue derivable from tithe. And first I will take its effect upon 100*l.* of tithe composition. In the first place, there will be the reduction of three-tenths, and thus under the first battery of the noble Lord, the 100*l.* tithe composition is reduced to 70*l.* at once. To what extent it will further be reduced by the expenses of three barristers at five guineas per day each, I cannot acquaint the House, but still a farther reduction may be made by re-opening the composition. I have, however, reduced the 100*l.* to 70*l.* The forcible substitution of new corn averages will effect a further reduction of at least one-sixth, amounting upon the original 100*l.* tithe composition to 11*l.* 10*s.*, so that the 100*l.* is melted down to 58*l.* 10*s.* This is the sum which the Commissioners of Woods and Forests are to realize, but they are empowered to charge the clergyman 6*d.* in the pound for the expenses of the collection, which will be 1*l.* 9*s.*, so that in the end the 100*l.* tithe composition is reduced to 57*l.* 1*s.*, independently of the expenses consequent upon opening the composition.

I now take the case of a living of the nominal value of 600*l.* per annum. Deducting the three-tenths, the living of the nominal value of 600*l.* will be reduced to 420*l.*; and, if my calculation is correct, a further reduction of one-sixth, or 70*l.* must be the consequence of the new corn averages. This will further cut down the nominal living of 600*l.* per annum to 350*l.* From this a further demand of 6*d.* in the pound for the expenses of collection, amounting to 8*l.* 15*s.* will be made, again reducing the nominal living of 600*l.* per annum to 341*l.* 5*s.* Is this all? Oh, no. The unhappy incumbent, who thus sees his 600*l.* a-year dwindled down to 341*l.* 5*s.* is visited with another deduction from another quarter. He is subjected to a new demand of two and a half per cent. as an income tax, under the Church Temporalities' Bill, which finally reduces the nominal living of 600*l.* a-year, to the sum of 332*l.* 15*s.* Now, if the incumbent of such a living should, with a view to a future provision for his family, have insured his life, supposing he pays 40*l.* a-year for that purpose, and 75*l.* for a curate to assist him in the discharge of his duties to the flock intrusted to his pastoral care—supposing too, he has to pay an instalment for the glebe-house—I leave the House to judge of the condition of this man and his family, and of the mockery and cruel insult of taunting him with his superfluous wealth. The only doubt which can arise on this statement is, whether or not I have overrated the extent of the deduction which I have contended is to be made in respect of the new corn averages; but even if I am in error, I think I may fairly set against any miscalculation on that head the expenses which will result from the proposed re-opening of the composition for tithes.

I have now shown the House, that by the ingenious process embodied in this Bill, an ecclesiastical living will be reduced to little more than one-half its nominal amount, and I now proceed to consider the effect which this measure will have upon the revenues generally of the Irish Protestant Church. This consideration is most important, because, before a supposed surplus is applied, it is desirable to ascertain what is the actual revenue of the Church. I have taken the pains to ascertain what is the real amount of the gross composition for clerical tithes in Ireland, payable to parochial incumbents. The noble Lord opposite, (Lord Morpeth) in his calculation included the lay tithes, or, in other words, the tithes payable to lay impropriators, not with a view of producing error I admit; but I will not encumber the question by adverting on this occasion to lay tithes, which for the present purposes shall be excluded from consideration. I am now dealing only with Church property, and the effects upon it which the machinery of this Bill may in future produce. Tithes received by the bishops have also been included by the noble Lord, when they ought to have been excluded from this calculation, for the bishop's tithes are provided for in the Church Temporalities' Bill. In the same way I shall omit from consideration the tithes due to deans and chapters, because those tithes are applied to the repairs of the cathedrals, unless they are held with benefices, and in the latter case they become subject to the operation of the present Bill. From the best calculation I can make from a revision of the whole of the parishes from which returns have been made, the total amount of tithes payable to parochial clergy, excluding bishops, deans and chapters, and vicars choral, is 507,367*l.* That is the whole amount of tithes payable to the parochial clergy of Ireland, and before it is thought of applying a presumed surplus to other than Ecclesiastical purposes, it will be well to consider what will be the effect of the Bill upon the revenues of the Church. By a reduction of three-tenths, *viz.* 152,700*l.* from 507,000*l.* the amount will be brought down to 354,667*l.* The expense of collection at the rate of sixpence in the pound, amounting to 8,872*l.*, is further to be deducted, which brings down the gross receipt of tithes by the clergy to 345,795*l.* I am unable to estimate the extent of the further reduction which must result from the re-opening of the compositions: but taking, as in the former calculations, one-sixth as the consequence of the new corn averages, that sixth, amounting to 57,632*l.*, will, by the ingenious process of exhaustion provided in this Bill, produce this result—*viz.*, that, instead of the amount of Irish parochial tithe being 507,367*l.*, its net amount will be only 288,163*l.*

In this stage of my observations it will be well for me to pause a moment for the purpose of comparing the amount to which I have thus practically reduced the Irish parochial tithe with the estimate of indefinite millions assumed by Dr. Doyle, or the more moderate calculation of the total of church property made by the hon. Member for Middlesex, who, upon the closest approximation, stated the amount to be 3,200,000*l.* Have I not been justified in lamenting the effect of such extraordinary exaggerations, and in earnestly entreating the House to be upon its guard against the force of early and erroneous impressions? To the sum of 288,163*l.*, the tithe revenue of the Irish clergy, it is only fair that I should add the amount received by them as ministers' money, and the value of the glebes. The noble Lord (Lord John Russell) stated the value of the glebes to be about 65,000*l.*; but I believe their value is not overrated at 76,778*l.*, which, with 12,838*l.*, the amount of ministers' money, will make a total revenue derivable by the Irish clergy from every source, of only 377,779*l.*

The total amount of future revenue being thus ascertained, I will now consider the present condition of the Church in Ireland, and the amount requisite for its maintenance. In discussing this subject, the House has now the advantage, which it did not possess when it pledged itself to the resolution of appropriation, of the Report which the Commissioners have made in immediate reference to this point. I have done all I could to prevail upon the House to postpone that resolution until this Report was furnished. The House had, however, pledged itself that there was a surplus before they had received the Report showing the actual condition of the Irish Church. It appears, from the Report presented by the Commissioners appointed by the present Government, that there are in Ireland 1,385 benefices—of these 264 contain fewer than fifty Protestants. The House will perceive that a material distinction is to be drawn between benefices and parishes. Benefices may consist of one or many parishes, and of these it appears from the Report that there are 2,405 in Ireland, though there are only 1,385 benefices. Now, as I have already stated, I wish to argue this question on the narrow grounds which his Majesty's Government have themselves afforded me; I wish to discuss this measure on the principles assumed by the King's Government itself, admitting, for the sake of argument, those principles to be correct, and that my own views are erroneous. I take this course solely for this reason, that I can afford to make the concession, and, having made it, I can show that the Ministers are, on their own principles, and with their own admissions, bound to accede to my Motion. Arguing from their own evidence, I can show that there is no surplus to distribute, and, according to their own principles, therefore, they are bound not to sanction any alienation of the revenues of the Irish Church. I will assume that, in the present state of the Church in Ireland, and due regard being had to the special circumstances of that country, the Church revenues ought to bear the whole charge of the Establishment—not only the maintenance of the ministers, but the expense of building new places of worship, and every other expense connected with the performance of divine worship, according to the doctrines of the Church. From the Report it appears that there are 1,121 benefices in Ireland, in each of which there are more than fifty Protestants. Divide the amount of tithes amongst them, and the average of tithes appropriated to these benefices will amount to 256*l.* per annum. But these unions of parishes are in many cases a great evil, and they ought to be severed. That principle has been recognized by Lord Plunkett, by Sir John Newport, and by all who have contended most strenuously for the improvement of the Church. The unions were made partly on account of the abolition of agistment tithe, partly from want of places of worship, or residences for ministers; and the first claim, in case of a new distribution of Church revenue, is on the part of those parishes in which a respectable congregation can be found, and which are now inconveniently and improvidently united to others. Taking, then, the parishes instead of benefices, what appears in the Report? The number of parishes in Ireland is stated to be 2,405, and of these 860 contain fewer than fifty Protestants. I consider the provisions of this Bill, in respect to those 860 parishes in no other light than as a blow fatal to the Irish Church. But here, again, assuming that the noble Lord is right, and that I am wrong—assuming that, in a parish where there are fewer than fifty Protestants, you are at liberty to deal with it as this Bill doth deal with it—still, deducting 860 from 2,405, there are 1,545 separate parishes in Ireland, in each of which there is a greater number than fifty Protestants. Allotting to each of the parishes a separate minister, adopting the principles of this Bill, that where there are fifty Protestants, there the spiritual services of a Protestant resident minister shall not be withdrawn, what is the provision you can make from tithes to each of those incumbents? On the average of this whole, it does not exceed 180*l.* to each. But there are 961 benefices in Ireland with more than 100 Protestant Members of the Established Church in each. The noble Lord intimates that he was not aware of that. Be it so: but, then, who was it that entered into the resolution, pledging the House to the alienation of Church property, even before his own Report was presented? That Report may convict hon. Gentlemen on my side of the House of want of foresight in obstructing the inquiry, in preventing the ascertainment of a fact so important as that to which I have just referred, namely, that there are 961 benefices in Ireland, each with a Protestant population of more than 100 Members; but it will convict hon. Gentlemen opposite of deliberate error, if they persist in adhering to their Resolution after that Report has been placed in their possession. There are 961 benefices in Ireland, with more than 100 Protestant members of the Established Church in each. I proclaim that fact. There are 1,165 benefices in Ireland, with a church in each, and with two churches in some. There are 1,383 churches of the Establishment existing at present in Ireland. Now, according to the principles of the noble Lord, wherever there is a church in any parish in Ireland, there also there is to be a minister; and wherever there is a minister, the noble Lord has declared himself ready to allot to that minister an independent stipend. Now, if the noble Lord is prepared to allot 220*l.* a-year for the maintenance of each church in Ireland, I will make bold to tell him, that, instead of having a surplus to dispose of, he will find that he will have a deficiency to supply. I will take the benefices of Ireland with the number of Protestants therein, varying of course in amount in each. I will discard from my calculation the parishes whose revenues the noble Lord is prepared to confiscate to the amount of 860, but still, for whose spiritual instruction the noble Lord intends to make some provision, reducing, therefore, to that extent (I believe nearly 30,000*l.*), the total amount of available revenue. For my present purpose I will assume that the principle of the noble Lord is correct, and I will attempt to show, that upon that principle he ought not to refuse his acquiescence in my present requisition. There are 670 benefices in Ireland, with Protestants of the Established Church varying in number from fifty to 500. There are 209 benefices in Ireland, with Protestants of the Established Church varying in number from 500 to 1,000. There are 242 benefices in Ireland containing more than 1,000 Protestants of the Established Church. I have thus divided the benefices in Ireland into three classes, varying with the extent of the Protestant population. Now, I want no clerical sinecures in Ireland, I want no gross inequality, wholly disproportioned to actual duty, between the incomes of parochial clergy. But I do contend for such gradations in the amount of revenue as are justified by variations in the expenses of living, in the demands for charity, in the extent of duty for such gradations, as would hold out an encouragement to exertion on the part of those who are less amply provided for, and enable the Protestant minister to maintain his station in society. In populous places, like the cities of Dublin, Cork, and Belfast, there ought to be livings amply provided with means for the support of the Protestant ministers of the Established Church. If there are not such livings,—if the minister of the Protestant Established Church is not enabled to maintain his independence and respectability of station as compared with his equals in life, then the House will, in my opinion, not only be degrading the man, but also inflicting irreparable injury upon the Establishment itself.

Now, take the three classes of benefices to which I have referred—assume that you are at liberty to apportion the revenue of the spiritual Church, according to some rule, having reference to the extent of duty and the number of Protestant inhabitants—will any man propose a more moderate allowance than that of 200*l.* a-year to the 670 benefices of the first class, 300*l.* a-year to the 209 benefices of the second class, and 400*l.* a-year to the 242 benefices of the third class? The demand on the revenues of the Irish Church for that extremely low and moderate scale of support would amount to 293,500*l.*, whereas the revenue derivable from tithes in Ireland is only 288,000*l.*, as I have already clearly proved. I trust that the House will observe that this calculation is made on the number of benefices, not of parishes. Besides this, I have made no provision for curates; and yet in all benefices where there is a Protestant population of more than 1,000 persons belonging to the Established Church, there must probably be one curate. On the other hand, it is true that I have not taken into account the glebe lands, but have considered only the revenue from tithe as available for the maintenance of the parochial clergy. But against the value of the glebe place the deductions to be made from tithe, on account of the charge for religious service in 860 suppressed parishes—on account of the re-opening of compositions—on account of the necessary provision for curates—on account of the difference between any estimate of Irish revenues, and the actual net sum realized; and I do not believe that the revenue derivable from glebes will more than supply the deficit, or will, therefore, disturb my calculations. Again, if I take, as I am entitled to take, parishes instead of benefices, the average allotment to each minister must be materially reduced.

I may be asked why I have assumed 200*l.* as the minimum in the scale of allowance to be made to parochial ministers? My answer is, not on any vague assumption of my own, but on the acts and recorded declarations of the authors and supporters of the present Bill. The estimate is theirs, not mine. I may think 200*l.* (as I do think it) a very insufficient provision—but I am arguing throughout on the principles of my opponents, and claiming their support of my proposal on those principles. The Church Temporalities' Bill assumes that 200*l.* a-year is the lowest sum which ought to be paid as a stipend to any clergyman who has the care, not of a benefice, but of a parish. I find that opinion confirmed by all the authorities which I have been enabled to consult upon the subject. I find, first of all, that Lord Hatherton, then Mr. Littleton, Secretary for Ireland, entertained this opinion:—" I concur," said he, " in the opinion expressed by my right hon. Friend, that 200*l.* per annum is not too large a sum for the support of a clergyman of the Established Church. If the Protestant religion is to be maintained in Ireland at all, its ministers must be placed in the condition of gentlemen. From the representations which have been made to me, I believe that many clergymen of the Established Church in Ireland are, at the present moment, removed but in a short degree from the necessity of begging for their daily subsistence." Dr. Lushington, and there could be no higher authority, also said on the same occasion,—" I fully recognize the principle that Parliament may deal with any surplus of Church property which may exist after the necessities of the Church have been provided for; but the first and most sacred of our duties is to provide for the support of the ministers of the Church; and I apprehend that no man, who is not prepared to say that the Protestant Establishment in Ireland ought to be levelled to the ground, will stand up in this House and say that 200*l.* per annum is too much for a Protestant minister to receive." I am now going to appeal to the authority of a Roman Catholic Gentleman, Mr. Finn, the Member for the county of Kilkenny. " It is evident," said he, " that a man to be a curate,"—and here I will observe, that I am not now speaking, as Mr. Finn then was, of curates acting under the control of their rectors, and looking forward to future elevation in the Church as an inducement to perform their spiritual functions for a time for a very moderate compensation; I am speaking of the provision to be made for an independent minister, who ought to be placed, according to the noble Lord, in every parish where there is a church, or where there is a population of fifty Protestants—Mr. Finn, I repeat, said,—" It is evident that a man to be a curate must be as well educated as the rich diocesan, and, having been myself educated at Trinity College, I can speak to the fact. I have always said, that it was disgraceful that a clergyman should receive a salary of only 75*l.* The Protestant curates, who do the duty of the superior clergy, are infamously paid, while the Roman Catholic curates are much better paid, and more comfortably provided for. It is well known, that, in the counties of Kilkenny and Carlow, the Roman Catholic peasantry have actually given relief to the Protestant curates, many of whom are placed in situations in which they are frequently obliged to do that which they would otherwise shrink from doing, but which they are compelled to do, in consequence of the miserable sums they receive for their services." Can you have more convincing evidence, more conclusive testimony than this, proceeding as it does from a Roman Catholic Gentleman residing in Ireland, who tells you, that, because there is not a sufficient maintenance for the clergymen of the Established Church, such is the force of sympathy and generous compassion for their distresses, that the Roman Catholic peasantry themselves contribute to their relief, in order to avoid the scandal of a starving ministry, though professing another creed? With a view, then, of preventing the Protestant clergy of the Established Church of Ireland from being obliged to do that which they would otherwise shrink from doing, and with a view of relieving the Roman Catholic peasantry from the necessity of contributing alms to the support of clergy in whose creed they do not believe,—I cite the authority of Mr. Finn as conclusive evidence, that the House ought to provide, not a superfluous, but a decent and becoming maintenance for the ministers of the Established Church. The last authority which I shall cite is the most recent—it is the authority of the hon. and learned Attorney-General for Ireland —Mr. Perrin. Speaking of livings, of which the incumbents reside in England, drawing the amount of their tithes from their parishes, in Ireland, and allotting only 75*l.* a-year to their curates, Mr. Perrin said, and in that assertion I fully agree with him, that this evil of non-residence must be redressed. Not one word have I said—not one word will I say—in vindication of that system. I would correct it, not only for the future, but also for the present. I would insist on the right of Parliament to require from any clergyman who receives 700*l.* a-year, or indeed any sum, from a parish as its incumbent, no matter what were the conditions on which he received the living, the immediate personal superintendance of the parish, and the immediate personal discharge of his spiritual duties. I do not contest the principle which the hon. and learned Attorney-General for Ireland thus laid down; on the contrary, I admit it most fully and unequivocally. But what said the hon. and learned Gentleman?—"I am not one of those who would withdraw anything from the incomes of the working clergy on the contrary, I would seek to place those members of that body in a situation more becoming their sacred calling, by giving every actual incumbent not less than 200*l.* or 250*l.* per annum."*

Now, have I not proved, not upon vague reasonings, not upon general assumptions, but as I have said that I would, out of the admissions of the noble Lord and his supporters, that the House ought to allot to ministers in benefices where there is a Church, or where there is a congregation of more than fifty Protestants of the Established Church, at the very least, 200*l.* or 250*l.* a-year as the minimum of stipend. We hear the Scotch Church constantly spoken of. I have no objection to adopt its principle in this respect, for I find that inequality in the value of benefices prevails in Scotland. Though the Scotch Church is poorer than that of England and Ireland, yet the principle of the inequality of parochial stipends is admitted in it. I apprehend that the ministers of the Church of Scotland residing in Edinburgh, Glasgow, and other populous towns, having greater expenses to meet than those ministers who reside in villages in more remote parts of the country, receive stipends, in many cases double and treble those allotted to the ministers of rural parishes. I believe that there are livings in the Church of Scotland, which produce to their incumbents not less than 800*l.* or 1,000*l.* a-year. In the case of the living of North Leith, papers have recently been laid on the Table of the House, which prove that the average receipts of the minister for the last three years was 670*l.* a-year. I understand, that in Edinburgh there are eighteen clergymen, each with an income varying from 500*l.* to 600*l.* a-year. In Greenock, the minister has above 800*l.* a-year. In the country parishes, be it remembered that glebe-houses are provided for the residence of the ministers of the Church of Scotland. In North Leith, the minister, in addition to his 670*l.* a-year, has 60*l.* a-year allowed him in lieu of a house. In Scotland, these glebe-houses are kept in repair at the expense of the Church. I say that in Ireland you ought to adopt a corresponding principle. I further say, that if you take 200*l.* or 250*l.* a-year as the minimum of stipend to be paid to the ministers of country parishes with a population of fifty Protestant members of the Established Church, it is clear that you must, when you come to provide for a minister in a large town, like Dublin, Cork, and Belfast, place him in a condition above the privations, I might say the temptations, of poverty, if you expect him to exercise the legitimate influence of his station. You must fix his income on the principle which is adopted in the large towns of Scotland, and provide him with a maintenance becoming the station he has to occupy. If you adopt 200*l.* or 250*l.* a-year as the minimum of stipend, and determine to give a liberal salary to the ministers of the Established Church whom you place in the parishes of populous towns in Ireland, again I say, would the conclusion come upon you with resistless force, that, in carrying your intentions into effect, you would not have a surplus to dispose of, but a deficiency to supply.

I shall postpone the consideration of many points involved in this Bill—for I am not discussing its principle, but endeavouring to show that the Bill ought to be divided. I think that there is so much doubt respecting the possession of a surplus to appropriate, that the House ought not to assert a principle which, if asserted, would naturally lead the people of Ireland to entertain extravagant expectations which must be disappointed. Can any proposition be more clear than this—that the existence of the surplus should be clearly ascertained before that surplus is appropriated? Can the truth of it be denied, by the most eager advocates for the right of alienation, in the event of a surplus?

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* Hansard, (third series) vol. xxvii. p. 921.

To them my present argument is addressed. I want to convince them that, assuming their principle to be a correct one, there is no pretence for its practical application in this case. How does the noble Lord gain his surplus? By sequestrating the revenues of 860 parishes, which the noble Lord facetiously calls the feeders of his reserve. I have been hitherto assuming that the noble Lord has these 860 parishes to deal with. Their revenues constitute his reserve. But I will now show by what means, and at the expense of what injustice, this miserable reserve is procured. In many parts of the West of Ireland, there are parishes which do not contain fifty Protestant members of the Established Church, but which are united together in one benefice. In many of these united parishes there are more than 100,—aye, than 200 or 300, members of the Established Church. The parish church is frequently in the centre of the Union, within a tolerably convenient distance of each of the parishes, which, by their conjoint contributions, provide a salary for their minister, often not exceeding 200*l.* or 300*l.* a-year. The noble Lord finds that in some of the parishes belonging to the Union, taken separately, there are not fifty members of the Established Church; and then proceeds on the principle that he can sequestrate the revenue of all the parishes composing the Union; because, though there are 200, or perhaps 300 members of the Established Church in the benefice, there are not fifty Protestants of the Established Church in each separate parish composing it. Now, I should rather have expected from the House a reprobation of the practice of forming parishes into Unions. I should rather have expected that our present object would be to sever unions, and to provide each parish with an independent minister. The noble Lord, however, declares, that he will sequester the revenues of all these parishes, and render them one and all the feeders of his reserve. Now, I will show by one or two instances the injustice of this system of sequestration. There is a union of three parishes, making the benefice of Collon, consisting of the parishes of Collon, Mosstown, and Dromyn. What, I ask, would be the practical effect of making the reserve fund feed on the Union of Collon? In that union there are 848 Protestants of the Established Church. In the parish of Collon there are 760 Protestants; in the parish of Mosstown, forty-eight; and in that of Dromyn, forty. Now, as this union consists of three parishes, and as two of those three parishes have fewer than fifty members of the Established Church, the noble Lord proposes to sequester the proceeds of the two parishes, and leave the minister of Collon to enjoy himself in luxurious ease, on the untouched revenues of Collon, which has 760 members of the Established Church, but though Collon has 760 members of the Established Church, it so happens that Collon produces no income at all. Collon, I repeat, has no income. Mosstown has at present an income from tithe composition to the amount of 248*l.* a-year, and Dromyn to the amount of 204*l.* a-year. The nominal amount of the present tithe composition is 452*l.* a-year. The noble Lord's blow of thirty per cent will reduce that amount to 317*l.* a-year, leaving the minister of Collon subject to the tax imposed by the Church Temporalities' Bill, and with spiritual duties to perform to 848 Protestants resident within his union. Surely this would be deduction enough. "But no," says the noble Lord, "I want feeders for my reserve fund. I will therefore take the revenues of the productive parishes, and leave the incumbent of Collon, with heavy duties, but no income." There are at least forty other instances of this kind. I will take another, in the south of Ireland, in the diocese of Ross. The union of Kilgarriffe consists of three parishes—the parish of Kilgarriffe, the parish of Dysart, and the parish of Island. The Church of the Union is in the parish of Kilgarriffe. There are two clergymen resident in the union. The average attendance at the church is five hundred persons. It appears by the Report, that the congregation is increasing. The amount of the income of this union, which contains 1,123 members of the Established Church, is by the tithe composition returns, 510*l.* a-year. When this is reduced by the noble Lord's plan by 153*l.*, the residue of 357*l.* is the gross amount of the receipts on which two ministers of the Established Church are to be maintained in this union. The various other deductions will reduce it to 300*l.* The noble Lord proposes to separate from the union the two parishes of Dysart and Island, because Dysart contains only eight, and Island not more than forty-eight members of the Established Church. Now the income of Dysart is 36*l.* a-year, and that of Island is 260*l.* a-year. The noble Lord, therefore, subtracts 295*l.* from the present income, and leaves the residue, subject to various deductions, as a fit maintenance for the Protestant pastor of Kilgarriffe. I will take another instance from a county town—Dundalk. The benefice of Dundalk is the union of the parishes of Dundalk and Castletown. The members of the Established Church residing in that town amount to 1,447. Castletown contains only fourteen members of the Established Church, but it contributes 200*l.* out of the 210*l.* which forms the income of the reverend incumbent of the benefice. There being only fourteen members of the Established Church now resident in Castletown, the noble Lord proposes to sequester the income of that parish, and to leave the minister of Dundalk, with a flock of more than 1,430 persons, and the proceeds of one single acre of glebe, which produces just 10*l.* a-year. Such is the manner in which the noble Lord realizes a surplus. Such is the manner in which he provides the "feeders" of his reserve fund.

I trust that I have now said enough to show that there are grounds for calling upon the House to pause before it proceeds further,—to pause before it gives a pledge, which it must either redeem, to the inevitable injury of the Established Church in Ireland, or which, if unredeemed, would leave the House open to the imputation of having excited hopes of which it had reason to doubt the fulfilment. The Bill professes to consult the true interests of the Established Church in Ireland. What are the true interests of that Church? They do not consist in the allotment of 5*l.* or 20*l.* in this or that parish for the performance of spiritual duties on a particular exigency. No, in those interests, properly understood, are involved considerations political, moral, and religious, as important a any ever submitted to the superintendence of a christian Legislature. I admit, on the one hand, that the true interests of the Established Church are not promoted by the defence of sinecures, by the retention of pluralities, by the existence of gross inequalities in the revenues of its ministers. I admit that principle most fully, and I am prepared to enter immediately into the consideration of the means by which the Established Church, without reference to political ends, without regard to personal interests, looking only to the permanent support of the Church itself, and the great objects for which it was instituted, can be best maintained. But neither on the other hand are the true interests of the Established Church consulted by relying on the extravagant zeal, or the superhuman virtues, of the ministers who discharge its functions. You cannot consult the true interests of the Established Church without alloting to its ministers, in cases where spiritual duties are to be performed, a decent and becoming maintenance. You exact from the minister of the Established Church great moral duties, you exact from him great intellectual acquirements, you exact from him an expensive course of education, you interdict him from all secular pursuits. You require from him the devotion of his whole time to his spiritual calling. You do not, indeed, compel him to resign the relations and the cares of domestic life. You want none of the influence which vows of celibacy confer. You tell him he may marry. You tell him that if he inculcates, by the practical force of example, those great principles which he is bound to enforce by his doctrines, he is not a worse member of society, he is not a less efficient member of the Church. You tell him to confirm the claim of his station to the respect of his parishioners by setting them an example in every relation of domestic life. If you require these qualifications from the minister of the Established Church; if you do not discourage him from forming connexions which entail unavoidable expenses; if you tell him that marriage is honourable; if you encourage him to contract it; to call in aid of his spiritual authority the example and influence of his domestic virtues—then, according to every principle of justice, according to every principle of common sense, it is neither right nor decent to subject him to the dependence, the anxieties, the privations, the temptations, of poverty. It is not right for his sake, it is not right for yours, it is not right for the sake of the Established Church, it is not right for the sake of the Roman Catholic population, over whom he is to exercise the influence, at least of character and conduct, to exhibit the minister of the Establishment in a degraded and humiliated condition. On the influence to be exercised by ministers of the Established Church over the Roman Catholic population, on the importance of placing those ministers in a state of comfort and independence, I can appeal to high authority. "Iwill ask," said this high authority, "whether another important effect will not be produced by this measure?" The measure to which this high authority alluded was one which proposed to place in every parish of Ireland a minister of the Church of England in the possession of a competent stipend: "I allude," said he, "to the effect which it will produce on the Catholic population of Ireland, connected as that population is with the respectability of the Protestant Church in that country. If any improvement is to be effected in the condition of Ireland, it must be effected through the instrumentality of the Church, through the residence of a parochial clergy. I consider the permanent residence of a Protestant clergyman on his living to be most beneficial in its results. I speak not from any personal observation of my own, I speak on the authority of those who have long considered this question: and I can assure the House that the utility of having a Protestant minister permanently resident among his flock, even though he may not be the minister of religion to the majority of his parish, will be beyond all calculation. The Protestant clergyman will be to his parish a minister of peace, for he will by his station and his constant residence have constant opportunities of conciliating their good will, by sympathizing in their cares and distresses, and by doing them a variety of good offices. If we strip the Protestant parochial clergy of all those causes of irritation which exist as to the exaction of tithes; if we relieve the Establishment from the odium attached to it in consequence of the collection of vestry cess; if we are enabled to do this, and to place in every parish in Ireland men of independence as parochial priests, we shall establish a firm link of connexion between the Protestant clergy and the Catholic population, which will be found most advantageous to the Established Church, and which will lead to the welfare and happiness of the people of Ireland." Those were the opinions, I trust and believe they continue to be the opinions, of a great landed proprietor in Ireland, who now holds a conspicuous situation in the Councils of the Crown. They were the opinions of the Marquess of Lansdowne, who thought that the interests of all classes of his Majesty's subjects in Ireland, Protestant and Roman Catholic, would be promoted by spreading over the face of it a body of resident Protestant clergymen, and by securing to each and all of them a respectable stipend. I believe that those opinions are correct and just. I believe that if you consult the true interests of the Establishment, which even by this Bill and by its authors is admitted to have the first claims upon its own revenues, you will, after correcting every abuse, and redressing every grievance, apply its revenues in that mode which is best suited to promote its efficiency.

I regret that I have troubled the House at such length. I have tried to fulfil the promise which I gave the House at the commencement of my address. I have attempted to rely on the force of argument and of evidence. I have not borne in mind that the last time on which this question was discussed, it was selected as the arena on which a great political contest was to be decided. I have not brought to the present discussion any feelings of personal mortification or of disappointed ambition, connected with political defeat. I have not mixed up with it private interests or party motives. I have not attempted to gain strength by appeals to passion or to prejudice. I have not decried the religious creed of those who differ from me on the most important topics for human consideration. I have attempted to rest my case on the paramount and undoubted claim which the Established Church has upon the justice of Parliament to protect her at least in the continued possession of her own property—so long as that property is not more than sufficient for her own legitimate wants. You may take one of three courses with regard to this question. You may assert the unquestioned right of the Established Church to her remaining property. You may profess your readiness to correct every abuse in that Church, and to redress every grievance connected with the levy of tithe. Having done this, if you are satisfied that the revenues of the Church are not more than sufficient for the legitimate purposes of an Established Church, of a Church which you mean to maintain and defend as the Established Church—you have a perfect right—you, I mean, who contend most strenuously for the power of alienation in case of a surplus—you have a perfect right to resist alienation in the present case with such evidence and such information before you. You have the right to declare, that, having made a great deduction from the revenues of the Church by the Temporalities' Bill—having thrown all the onus of supporting the Church on the funds of the Establishment—having relieved the Roman Catholic population from what they considered the obnoxious and odious payment of Church cess—having released the public revenue from every claim for building new churches—having liberated the occupying tenant from direct contribution to funds paid to a clergy from whom he derives no spiritual consolation—having given to the landlords a bonus of three-tenths, or rather of five-tenths, when every deduction shall have been made—after doing all this—after making all these concessions—here you will take your stand and steadily insist on the application of the whole of what is left to the interests, the well-considered interests, of the Established Church. This is one course. There is a second, pregnant indeed, with fatal consequences, a most rash, most unwise, most impolitic, but still an intelligible and consistent course. You may pronounce that the Roman Catholic religion ought to be established in Ireland. You may say—"We can struggle no longer against the force of events and of overpowering numbers; we will go the whole length which is demanded from us, and will establish the Roman Catholic religion on the ruins and at the expense of the Protestant Establishment in Ireland." There is a third course—the course recommended by the Government—which is intermediate between the two others. It neither maintains manfully the principle of the Protestant Establishment, nor does it recognise openly the claims of the Roman Catholic Church to direct participation in Ecclesiastical revenues. It professes, indeed, to maintain the Church as at present established; but infuses a slow and certain poison, which will ensure its ultimate destruction. I say to his Majesty's Ministers—"If you mean to maintain the Protestant Church in Ireland, openly avow the principle, and consistently act on it—if you feel satisfied that its revenues are not more than sufficient to provide for the decent maintenance of the Ministers of the Church, announce the fact, and the public mind will be set at rest on the subject. The course you are now taking towards the Church of Ireland is simulated protection, but real hostility. You are destroying the independence, the respectability, and the usefulness of the Protestant clergy, by making them mere stipendiaries of the Government, and by holding them out to the people as intercepting the rights of the poor, and the blessings of education and knowledge, by the selfish retention of funds which are the property, not of the Church, but of the community at large. You place them in a most invidious position, in the position most calculated to involve them in personal odium, most calculated to paralyze every exertion on their part to diffuse the just influence of the Protestant religion. You exhibit them not in the light of ministers of an Established Church, receiving an independent maintenance from revenues to which they have an unquestionable right, but in that of usurpers and intruders, every shilling of whose stipend is an encroachment upon the reserved fund.

Against this course, not less fatal in its ultimate results to the permanence and stability of the Established Church than one of more direct and avowed hostility, I enter my decided protest, and I call, not only on those who agree with me in general principles, but on those who demanded information as to the condition of the Church, who required evidence as to the extent of its spiritual wants, the amount of its revenues, and the number of its members, to judge from that information, and to decide on that evidence. If they will do so, if they will efface erroneous impressions founded on misstatement and exaggeration, if they will refuse to be bound by resolutions, entered into in the absence of that information and that evidence of which they are now possessed, I have not a doubt that, in pursuance of their own principles, in conformity with their own recorded declarations and admissions, they must accede to the justice of the motion with which I shall now conclude. The right hon. Bart. concluded by moving, "That it be an instruction to the Committee to divide the Bill into two Bills."

The *Chancellor of the Exchequer* then moved, "That the Resolution entered into by the House on the 4th of April, be read by the Clerk of the House." The Resolution was accordingly read as follows:—"That any surplus revenue of the present

Church Establishment in Ireland, not required for the spiritual care of its Members, be applied to the moral and religious education of all classes of the people, without distinction of religious persuasion, providing for the resumption of such surplus, or of any such part of it as may be required by an increase in the number of the members of the Established Church. Resolved, that it is the opinion of this House, that no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the principles contained in the foregoing resolution." The right hon. Gentleman then proceeded. If the right hon. Gentleman who had just sat down felt it necessary to bespeak the indulgence of the House while declaring, no doubt with entire sincerity, his strong feeling of the importance of the subject, and the difficulty he experienced in approaching it, the House would readily conceive that the difficulty which he felt in defending the course proposed by the Ministers from the attack of the right hon. Baronet must be much greater. He assured the right hon. Gentleman and the House that in fervent and sincere attachment to the Protestant Church he yielded to no man, and that he was as ready to come forward as a defender of that Church against any supposed attack upon it as the right hon. Baronet himself. But he differed from the right hon. Gentleman in the conviction he had expressed of the danger of the Irish Church, arising out of the principle adopted by Ministers, and he wished to see whether the facts of the case did not justify him in differing wholly (as he undoubtedly did) from the conclusion of the right hon. Baronet, and of adopting an opposite conclusion. Long as it had been his fortune to be a Member of the House, he never recollected a proposition such as that of the right hon. Gentleman, coupled with such opinions and arguments as he avowed. The right hon. Baronet made a speech which warranted Gentlemen in taking one of two courses—either to reject the principle of the Bill on the question of its second reading, or else, adopting a portion of the principle, to accompany the authors of the measure in Committee, for the purpose of modifying some of the details of a Bill unopposed on the second reading. Now, admitting the whole of the right hon. Baronet's argument in its full force, and assuming that the Bill was indeed calculated to do the mischief which the right hon. Gentleman supposed, and open to all the objections he had so powerfully urged, all he could say was, that with the right hon. Gentleman's opinions he would have died sooner than have acquiesced in the second reading of the Bill. He would never have sought for advantageous modes of creating a division; but if his sentiments were such as the right hon. Gentleman professed on the subject, he repeated he would have died in his place rather than have acquiesced in the principle of the measure. He asked the House to allow him to exhibit some of the arguments which the right hon. Gentleman had condescended to use against the Bill, and which, if well founded, should lead the House at once to rescind the Resolution read by the Clerk at the Table. He would take one as a sample of the arguments adduced by the right hon. Gentleman, and one which had produced the strongest impression; at least it would show how the right hon. Baronet had dealt with the case, and with what, he would not say suspicion, but caution, the right hon. Baronet's arguments ought to be received. Was there any one of those arguments which made a greater impression, which was more loudly cheered, and which appeared more conclusive, than that which regarded the division of the union of parishes? The right hon. Gentleman quoted the cases of Dundalk, Collon, and Kilgarriffe, which, if the enactments of the Bill were carried into effect, would be deprived of all income, unquestionably contrary to the intention of the framers of the Bill, and of the gentlemen who had supported the resolution on which it was founded. The right hon. Gentleman said there were three parishes forming a union, one of which (Mosstown) contained forty-eight Protestants, another (Dromyn) forty, and the third (Collon) 760, and that Mosstown and Dromyn alone afforded any revenue to the incumbent, while Collon, which contained a large number of Protestants, supplied no part of his income. Now, said the right hon. Gentleman, neither Mosstown nor Dromyn containing fifty Protestants, they fell within the suppression clause, which would consequently leave the minister to the parish of Collon, which contained 760 Protestants, and it would deprive him of all revenue. That statement was loudly cheered, and that result, said the right hon. Baronet, was equally opposed to justice and the profession of the Ministers. Now, let him call the attention of the gentlemen who cheered that statement to the 70th Clause: did that Clause render it imperative to break up unions? Not at all. It enacted, "that if any parish or parishes in which it shall appear that the members of the Established Church do not exceed fifty shall be united to any other parish or parishes, it shall and may be lawful for the Ecclesiastical Commissioners on the next avoidance of such union, to disunite and separate such parish or parishes from the other parish or parishes to which the same shall be then united, in whatsoever manner such union may have been effected." Who were the persons to effect the arrangement? The Ecclesiastical Commissioners. And did the right hon. Baronet inform the House that the Bill left it in their power in such cases as the one he had quoted, to make what arrangements they thought fit? [Sir *R. Peel:* Look at the 71st and 58th Clauses.] He would look at those clauses, he would conceal nothing. He was dealing with the 71st and 58th, as well as the 70th Clause. It was perfectly true, that if the Union should be maintained under the 71st Clause, the income of the next incumbent was to be subject to such reduction as the Lord-lieutenant should direct, and that by the 58th clause it was provided, that on the next vacancy of the benefice of any parish, in which there was not more than 50 Protestants, such benefice might be sequestered.

Sir *R. Peel:* Are not the two parishes in question included in the 860 to be sequestered?

The *Chancellor of the Exchequer*: That was quite another agument. The right hon. Gentleman's first statement was founded on the assumed destitution of the rector of Collon, left in possession of a large Protestant congregation and a merely nominal benefice. Now, no one contemplated the result to which the right hon. Gentleman pointed. No one could suppose a reserve fund where there was no surplus revenue; neither could any one suppose that a reserved fund was to be created from the union of Collon, without allowing the rector of Collon in the first place a sufficient income for his decent support. It was perfectly true by the 71st Clause their might be a revision of the determination of the Ecclesiastical Commissioners by the Lord-lieutenant in council, but the right hon. Gentleman, who complained of another Clause because it did not contain such a power, could scarcely object to an appeal to the Lord-Lieutenant. The 58th Clause provided that in any parish in which there were not more than fifty members of the Established Church, the church might be sequestered. [Sir *R. Peel:* The words are—" shall be deemed to be sequestered."]—Very well. " Shall be sequestered." Yet, he undertook to say, that the difficulties which the right hon. Gentleman adverted to were fully met by provisions cautiously inserted in the Bill for the purpose. If, however, those provisions were inefficient—if they did not fulfil the intentions of their framers, was that an argument for the right hon. Gentleman's motion?—or was it not rather a reason for going into Committee to modify the provisions? The right hon. Gentleman had referred to the Clauses relative to a revision and opening of tithe compositions, and he was not surprised to find that part of the Bill excite the right hon. Baronet's attention, for it must be conceded to the right hon. Gentleman that it certainly behoved Parliament to take care how it varied contracts between individuals: but the right hon. Baronet agreed with him in thinking that there existed cases in which it was just and necessary to make a revision of compositions. This, however, was a point not to be determined by dividing the Bill into two parts,—a proposition, by the way, which seemed to be brought forward rather in relation to dividing the House than to anything else. It might be imagined, from the statement of the right hon. Gentleman, that a general power of re-opening the compositions was given without any safeguards, for the right hon. Baronet had not stated any of the conditions on which such compositions could be re-opened. The right hon. Baronet had avoided alluding to anything which could interfere with the sweep of his argument or diminish the impression he wished to make on the House. He avoided telling the House that the Government had limited actions under this Bill, to the shortest possible time. He avoided mentioning that no appeal was allowed after the expiration of six weeks. He avoided mentioning that the strictest rules were prescribed to all Barristers to be employed under the Bill, beyond which they could not possibly travel; nay, he even avoided stating, that in all cases where the difference was no more than one-fifth, the decision must always be in favour of the Church. He did not state that no appeal could be entertained unless a majority—not a numerical majority—but a majority of the property of the parish concurred in the appeal. The right hon. Baronet had, therefore, alarmed the House by arguing against a case which could have no existence. The right hon. Baronet had stated frankly, and he (the Chancellor of the Exchequer) thanked him for the admission, that there ought to be some power of appeal. He would state a case that occurred in the north of Ireland, which forcibly showed that necessity. It had been agreed among parties that a certain sum, say 500*l.* should be paid to the clergyman in lieu of tithes; and on the supposition that the parish contained a certain number of acres this sum was allotted at so much per acre. It was found however upon measuring the parish that it contained a considerably greater number of acres than had been supposed, and the consequence was, that the amount of tithe paid to the clergyman, each person paying at the rate settled, was considerably greater than had been agreed upon. Now that was a case in which the power of appeal and of opening up the compositions was necessary. But how could this or any other objection raised by the right hon. Baronet to this Bill be removed by the instruction which he had moved to the Committee. How could his object be answered by making two bills instead of one. The right hon. Baronet said, that he wished to remove the difficulties which stood in the way of the progress of this Bill, but he believed that the greatest difficulty which the right hon. Baronet found, was the resolution which had been come to by the House. The right hon. Baronet impugned the resolution come to by the House, because he did not know the result of the inquiries by the Commissioners. He rejoiced, therefore, to find that the right hon. Baronet had become a convert to their Commission. The denunciations with which that Commission was assailed by the right hon. Baronet and his friends on its being first issued, were scarcely less eloquent, and certainly not less alarming, than those with which he now assailed the present measure; and he sincerely prayed that they might prove equally untrue, They were told that the numbering of the people by the Commission would cause the overthrow of the Church, and that the Government would be held responsible for its effects. They were told that it would lead to murder and to bloodshed. Was it then true that the Commission had led to murder and bloodshed. No such thing, and the right hon. Baronet had actually referred to it as an authority for the Church, and had proved it as being *res prima salutis*, though it was issued, not by the Tory Church, but by the Whigs. The right hon. Baronet, he must say, was evidently intent upon the commission of murder, but it was the murder of this Bill. He would ask the House what was the meaning of the resolution to which the House had come, and what was the meaning of the motion which had been brought forward by the right hon. Baronet that night? The right hon. Baronet had spoken of the process of exhaustion. He had spoken of the 30 per cent. as peculiar to this Bill; but in his (the Chancellor of the Exchequer's) opinion, the right hon. Baronet had himself made a pretty good beginning in the process of exhaustion; and to the degree which the present Government had gone further than the right hon. Baronet's Government had gone, he held them responsible, but no further. He was sure that the clergy of Ireland would be better off under the present Bill than under that introduced by the right hon. and gallant Gentleman opposite. Would a clergyman not prefer having the amount of his income secured to him as it was secured by this Bill, the Government undertaking the responsibility of its payment, to any mode which could be devised by which the responsibility of payment should be thrown either upon the landlord or tenant? He had no doubt but the payment secured by the present Bill, would be considered in the market the better article, and would fetch the better price. The right hon. Gentleman said, Ministers were wrong in providing for anything out of the Perpetuity Fund, which would be entirely exhausted. But the right hon. Baronet himself had proposed, that there should be a redemption of tithe, and knowing that he could not procure the clergy their former amount of their income, he had proposed an augmentation out of this fund, as his Majesty's Ministers now proposed. But he must inform the House, that he had made a calculation, and that he found that in every case a larger charge was to be provided for by the proposition of the right hon. Baronet, than by the proposition of the Ministers. Then, with regard to the Church Temporalities' Bill, he was not willing, at that time, to enter upon the discussion of it; but he would say, that he still adhered to its justice and expediency. He would recommend its defence, if defence were necessary, to the care of his noble Friend, the Member for North Lancashire (Lord Stanley). He must, however, remind the House that Bill was called the Church Robberies' Bill; and it was prophesied that it would cause the annihilation of the Protestant Church, for they were told that the moment a diocese came under the operation of that Bill, there would be no peace for the Bishops. That clamour had now been discontinued; but he would say, that whatever objections might be found with that Bill, there was nothing in it which was not previously to be found in the statute law of the country. As to the Bill then under consideration, it promoted the payment of the stipends to the clergy, and it provided for those clergymen who were not otherwise provided for. And here he would beg to remark, that the right hon. Baronet had omitted in the course of his speech, to mention several other considerations which were necessary to be remembered in the discussion of this Bill. Were there no such things as arrears due by the clergy? Was there no such matter as the million sterling which had been advanced by the people of England through their Representatives! Were these matters so worthless, that the right hon. Baronet on taking objections to every clause, and taking objections to every principle involved in it, thought them totally unworthy of notice. Were they unworthy of notice among all the strong arguments which he had made use of in order to reach so weak a conclusion? The right hon. Baronet excluded all those considerations, and any person hearing the right hon. Baronet's speech, would be inclined to think, that the clergy had nothing further to do with this Bill, than in as far as it affected the payment of their tithes. But the Bill made an adequate provision for the Protestant Church, though in conformity with the terms of the Resolution proposed at the commencement of the Session, and which they were not disposed to abandon, and which he trusted the House would adhere to—it also provided that if there appeared to be any surplus, that should be devoted to the moral and religious education of the great body of the people. That Resolution had received the repeated sanction of the House, and what had passed since to induce the House to alter its opinion on the subject? Was that Resolution agreed to without discussion? Had it been adopted without weighing well the consequences of the course they had resolved to pursue? Had it been carelessly opposed by the right hon. Gentleman, or by the great party of which he was at once the leader and ornament. If ever there was a question weighed in all its consequences—considered in all its bearings—or narrowly scrutinized in regard to the facts on which it rested, it was that Resolution introduced by his noble Friend in a Committee of the whole House, adopted by that Committee—reported to the House—argued and agreed to by the majority of Members, and which afterwards received in another form the sanction of the House. The Resolution connected the surrender of the million sterling, with providing a fund for the education of the people; and he trusted that the House would hold that connexion to be indissoluble. He hoped that what he had said, would be sufficient on this part of the argument. He would now put it to the House, whether another argument adduced by the right hon. Gentleman, was quite relevant to the question before the House. The right hon. Gentleman had appealed to the Report of the Commissioners, not only in defence of the Protestant Establishment, but also in defence of his own arguments. He was well aware that the Commissioners' Report contained no attack on the Established Church; but he was not so certain that it would be found to support the arguments of the right hon. Gentleman. The right hon. Gentleman had alluded to a number of statements that had been made on former occasions with respect to the number of Protestants in Ireland. He had referred to the calculations made by Dr. Doyle and other authorities on the subject, who had asserted that there was not more than 240 or 250,000 Protestants in Ireland, and to the hon. Member for Middlesex who had stated the number to be about 500,000. The right hon. Gentleman had made reference to these assertions, in order to show that the number of Protestants had been greatly underrated, as it appeared from the Report of the Commissioners, that there were 850,000 members of the Establishment. Dr. Doyle had certainly underrated the number of Protestants in Ireland, when he said that there were not more than 250,000; but, on the other hand, Mr. Leslie Foster repeatedly asserted, that the Protestants were one-fourth of the whole population. The opinion, however, of Dr. Doyle or Mr. Leslie Foster, or any other controversialist, had nothing to do with the question or affected the facts of the case. Now, what were the facts of the case. It appeared, from the terms of the Report, that there were 852,000 members of the Established Church in Ireland, and 660,000 Presbyterians and Dissenters, making together about 1,500,000. He rejoiced, that the Report had corrected the errors of Dr. Doyle; but he must say, in the presence of many Catholic gentlemen, whose opinions he had not the slightest wish to wound, that he wished Mr. Leslie Foster had been correct, with respect to the number of Protestants. They must, however, take the correct view of the case; and it was important to consider, how were these Protestants distributed over Ireland. The right hon. Gentleman had excluded this important consideration from his argument, but had spoken as if the 850,000 members of the Church were equally distributed over the country, and as if the wants of the several parishes throughout the country were commensurate one with the other. If that were the case there might be less necessity to meddle with the Establishment; but of these 850,000 Protestants 517,000 belonged to the province of Armagh. The right hon. Gentleman never adverted to this, but spoke as if they were distributed over the whole face of the country, and argued as if the circumstances were the same in each case. The fact was, that the very large proportion of the Protestants resided in two of the ecclesiastical provinces—namely, Armagh and Dublin. It appeared that the number of the members of the Church in the province of Armagh was 517,000, and of Presbyterians 638,000. The number of members of the Church in the province of Dublin was 177,000, and of Presbyterians 2,517—making 694,000 members of the Established Church, and 640,517 Presbyterians. The whole number of Protestants, therefore, was 1,334,517. In the whole of Ireland there were 852,000 members of the Establishment, and 642,000 Presbyterians; making together 1,494,000. By deducting the number of Protestants in the provinces of Armagh and Dublin, there would remain 150,473 for the total number of Protestants in the provinces of Armagh and Tuam. The number of Catholics in these provinces were—Cashel, 2,220,000; Tuam, 1,188,000; together, 3,408,000. This was another element the right hon. Gentleman should have taken into his calculation. He should have mentioned to the House in regard to the different circumstances of these provinces, and in consideration of them the right hon. Gentleman must be prepared to agree to make a new appropriation of Church revenues in the ecclesiastical provinces of Cashel and Tuam, or he must come to the determination to take the excess of revenue which he found in those provinces, and expend the whole of it in the other two provinces. The latter was not the way to give peace and happiness to Ireland, nor would the right hon. Baronet conciliate the population of that country by drawing revenue from one part of it to be spent in another, for the support of an Establishment from which the vast majority of the people dissented. If such a principle were established, let the House consider to what result it might lead. The Church in England and Ireland is an Established Church; and supposing the population of Ireland should become entirely Roman Catholic, then those who now advocate the transferring of ecclesiastical revenue from one part of the country to another, will be obliged, in consistency, to go the length of asserting, as the Churches of England and Ireland were united, that they are at liberty to withdraw the whole of the revenues of the Church from Ireland for the purpose of expending them in England. He contended, that if the principle he was combating was maintained, this result would be a logical deduction. He put this point to show, that the course the Government had pursued was not so improper as the right hon. Gentleman wished to make it appear; and to prove that it was material to take into consideration the manner in which the members of the different persuasions are distributed in Ireland. The proportion of the members of the Established Church to the whole mass of the population in Ireland was 10·7-10ths per cent. In the province of Armagh, the members of the Church were 16½ per cent.; of the population in Dublin, 14·9-10ths per cent.; in Cashel 4 per cent.; and in Tuam 3·6-10ths per cent. The Roman Catholics in Armagh were 62½ per cent.; in Dublin 85 per cent.; in Cashel 95 per cent.; and in Tuam 96 per cent. of the whole population. In the diocese of Connor they formed 26½ per cent. of the population, and in Kilfenora not less than 99½ per cent. If the principle, however, contended for by Gentlemen opposite was to be admitted, they must afford the same measure of Church instruction in Tuam, where the members of the Establishment only formed 4 per cent. of the population, as in Armagh, where they amounted to more than 16 per cent. Whether this was consistent with the principle of common sense he would not detain the House to inquire; but certainly it ought not to be left out of consideration. The right hon. Baronet had not referred to those parts of the documentary evidence which were illustrative of his argument, and he would follow the right hon. Gentleman's example, and in doing so he would refer to one diocese. Those who had heard the right hon. Baronet, if they knew nothing else of the measure, might reasonably believe that the supporters of the Bill were anxious to suppress the whole Establishment; for the right hon. Baronet did not show how much the circumstances of one part of the country differed from those of another. The diocese to which he intended to refer was a small one, and now annexed to the Archbishopric of Dublin, and afforded a model of the state of the Church in this part of Ireland. The diocese of Emly contained a population of 98,000; the numbers of the members of the Established Church were 1,246, or 1¼ per cent. of the whole population. They have fifteen places of worship, and thirty-one clergymen. There are forty-two parishes in the diocese, and seventeen benefices. In one benefice there is one member of the Establishment; in three there are less than twenty. In only four do they exceed 100, and in only one do they exceed 200. The average amount of tithe-compositions for each parish in this diocese exceeded 210*l.* The total amount for these 1,246 Protestants exceeded 7,000*l.* Not satisfied with this state of the Church in the diocese, Parliamentary bounties had been granted to it, and the Board of First Fruits, in the course of a few years, had expended in this diocese, containing 1,240 Protestants, with an ecclesiastical revenue of upwards of 7,000*l.* per annum, a sum of not less than 5,670*l.* on churches and glebe-houses, and had advanced as a loan a further sum of 4,370*l.* He would ask, whether these facts ought not to be considered by the House. But he would go a little further, and take the case of forty-one benefices in which there was not a single Protestant, either man, woman, or child, and yet, unless those benefices should come under the operation of the Clause in the Church Temporalities' Act, provision would be made for religious instruction in them on the same scale as if the whole of the inhabitants were Protestants, and lived in the most Protestant part of England. That, surely, was not a state of things which any man who wished well to the Protestant Church could desire to see continued. There were, moreover, ninety-nine benefices, containing from one to twenty members of the Establishment; one hundred and twenty-four containing from twenty to fifty; and one hundred and sixty containing from fifty to one hundred members of the Church. Thus, it appeared that there were one-hundred and twenty-four benefices, each containing less than fifty members of the Establishment, or four hundred and twenty-four containing less than one hundred members of the Church. The Government, however, did not propose to abandon these parishes, but they were anxious to make provision for the religious instruction of the Protestants in them. The right hon. Baronet had dwelt at great length on the hardship of giving 5*l.* to a clergyman of a parish for attending to the spiritual wants of an adjoining parish, in which there were but few Protestants. Were they then to adhere to the principle, that where there were no Protestants in parishes Protestant clergymen should still be paid as if there were large congregations? When Ministers proposed to provide the 5*l.* per annum under the circumstances stated in the Bill, his right hon. Friend said, that it was an insult to the Irish clergy. He trusted that Gentlemen would not take the assertion of the right hon. Gentleman for granted, but would allow him to read an extract from the Report of the Commissioners appointed under the Bill of his noble Friend opposite. These Commissioners were two Archbishops, two clergymen of the Establishment, and one layman; and almost contemporaneously with the declaration of the right hon. Gentleman there was received a Report from those five Ecclesiastical Commissioners with reference to five benefices. The Report was in the following words:—and he begged the attention of the House to it—"With respect to the particulars of information obtained with reference to these five benefices, all of which were collative, it appeared that the Churches in all of them were in ruins—that there was no glebe-house in any, and that the only glebe-lands in them were ten acres in Carne, and four in Ardskeagh; that there were no Protestants permanently residing in Carne or in Ardskeagh, while in Croghan there were only nine, and in Liscleary and Seskenan about thirty in each; and that the gross income of the five benefices amounted to the total sum of about 405*l.* 13*s.* 6*d.* per annum. In no case did it appear that the spiritual wants of any of these benefices at present required that a distinct curate, or officiating minister should be specially licensed for the performance of the ecclesiastical duties in one parish alone, and consequently the cure of souls, and all and every the occasional duties within the benefices so remaining unfilled, have been committed to the incumbents, or officiating ministers, of adjoining parishes, who have been nominated and appointed by the respective diocesans at stipends varying from 4*l.* to 25*l.* yearly."—The Report was signed by Richard Dublin, R. Cashel, F. Sadleir, J. C. Erik, and W. C. Quin. The provision it was proposed to make under this Bill was framed to avoid difficulties which might otherwise arise, if the course to be adopted by the Commissioners under the Bill was left to their discretion; and in making those provisions the Ministry had adopted the recommendation of the Ecclesiastical Commissioners he had quoted. If they had not, however, had the authority of this Report how much would they have been taunted respecting this allowance of 5*l.* per annum to a clergyman for attending to the spiritual wants of an adjoining parish to his own, in which there were but few Protestants. Those, however, who had formerly sneered at the five-pound parson-battery must now resort to some other jibes, and adopt other arguments, somewhat better founded in fact than such poor jibes. It had been said that a great book was a great evil; but he hoped he might be permitted to read a few more extracts from the great book furnished by the Commissioners for Public Instruction in Ireland. He would take the case of ten benefices in Ireland, and show the circumstances in which they were placed. In the first, there were four members of the Establishment, and the amount of tithes paid was 440*l.* per annum; in the second, there were three Protestants, and the tithes were 335*l.*; in the third, fourteen Protestants, and 600*l.* tithes; in the fourth, seventeen Protestants, and 559*l.* tithes; in the fifth, twenty Protestants, and 506*l.* tithes; in the sixth, nineteen Protestants, and 809*l.* tithes; in the seventh, twenty Protestants, and 784*l.* tithes; in the eighth, twenty-three Protestants, and 612*l.* tithes; in the ninth, twelve Protestants, and 484*l.* tithes; and in the tenth, there were eight members of the Church, and the tithes were 500*l.* a-year. Thus, in the whole of these ten parishes, there were one hundred and forty-four members of the Establishment, and the annual income of the incumbents of them amount to 5,629*l.* Again, he found the following results taken from fifty benefices selected from fifteen dioceses in the four provinces. The number of the members of the Church was five hundred and twenty-five; the number of benefices fifty; the number of resident clergy eleven; non-resident clergy thirty-nine; in forty-two benefices there were churches, and in eight there were no churches. The amount of tithes collected in these parishes was 13,300*l.* per annum. These were some of the facts which were not capable of contradiction, and which would induce the House to adhere to the resolution which had before been adopted, even for the sake of the Protestants themselves. The argument which he derived from the facts he had stated was, that the continuance of the present state of things tended to distract and ultimately to destroy the country. The right hon. Gentleman came down now and said that he wished to get rid of pluralities, to put a stop to non-residence, and that he was against the continuance of any abuses in connexion with the Church. But how did he show this? The right hon. Gentleman seemed now to discover for the first time that these things existed. They certainly did exist, but not in that aggravated shape in which they were formerly to be met with. He admitted that the disorders of the Church did not exist in the same aggravated shape now as they did in former times; but how long was it since the right hon. Gentleman, and those who sat with him, had discovered the existence of those grievous incongruities? How many months was it since this new light had broken on the right hon. Gentleman? He had no doubt but that the right hon. Gentleman spoke from a conviction of the truth of what he was saying. There was, however, much pleasure in the novelty of hearing such things from the right hon. Gentleman and his friends. The right hon. Baronet had said that the resolution which had led to the introduction of the present Bill was brought forward for party purposes; but if they were to be taunted there with maintaining the principle of that Resolution for party purposes, he had a right to ask which of the two parties in that house were the best entitled to appeal to the country on the subject. If there were any men more responsible than others for the confusion in which the affairs of the Irish Church were at present involved, it was the two right hon. Gentlemen opposite. What had been their conduct when questions had been brought forward which deeply touched on this subject and affected the peace of Ireland? If there was one question which distracted the country more than another, it was the continuation of a vestry cess, which was justly considered a most unfair tax on the people of Ireland. The right hon. Gentleman knew full well that that tax was regarded by the people of Ireland as much more vexatious than tithes. It was regarded by them as most oppressive and unjust, to be compelled to take money from their pockets to contribute directly towards the maintenance of a religion in which they felt no interest, and which was repugnant to their feelings. The continuance of this obnoxious tax occasioned the parish vestry to be made the constant source of violent party and political discussion; and some of the most powerful political battles contested by the hon. and learned Member for Dublin had been the vestry-meetings in the city he now represented. These were the arenas where Protestants and Catholics met in hostile array, and where the most bitter and hostile feelings were excited. Attempts had repeatedly been made to put an end to this state of things; but they had constantly been told that to abolish the vestry cess would be nothing less than the destruction of the Irish Church. Those connected with him had come forward, year after year, demanding that the system should be got rid of, and that the charge for vestry cess should be defrayed from some other source. They had demanded that the amount should be paid out of the first fruits; but who, he would ask, had opposed this? He repeated emphatically, who had opposed this proposition? [Mr. *Jackson*: "Lord Plunkett;"] There was a French proverb which said, that the absent were always in the wrong; he could only say that his anxious wish was that his noble Friend who had just been alluded to had been present, to afford a vindication of his conduct, which he (the Chancellor of the Exchequer) knew he could give. But who was the Irish Secretary at the time? Who then were in office, and held the helm of power? Was it not those very gentlemen who had, after a lapse of years, consented, when they could no longer prevent it, to afford a reluctant relief to the complaining people of Ireland? They had assented when they could no longer withhold it, and at a time, too, when the mischief had been done, when the whole population had been irritated and rendered hostile, by multiplied vexations, to the Church of Ireland. He had no hesitation in saying that those measures of reluctant reform which had been extorted from right hon. Gentlemen opposite came so late as to be almost as great evils as the abuses they were meant to remedy. Were not many attempts made to improve the state of the Irish Church since the Union, and how until recently had such attempts been met? The present Government were charged with asking too much, and with going too far, but if they delayed to grant what was now demanded, they would soon find that too little. Attempts had been successively made since the Union to produce some ameliorations, but they were always unsuccessful. All applications relative to a commutation of tithes were opposed year after year. His right hon. Friend, the Paymaster of the Forces (Sir H. Parnell) had brought forward a motion for several years to take the tithes off potatoes; but his application had been constantly refused. His right hon. Friend had then exerted himself to promote a commutation of tithes, and after several years' exertion, and it appeared obvious that some change must take place in the system, the right hon. Member for the University of Cambridge came forward with his Bill for this object, inadequate as it was. Further measures had become necessary, but they had constantly been delayed until they lost half their value and efficacy. He had no doubt, after the sanction the House had given to the Resolution proposed by his noble Friend, that they would go into Committee on this Bill. It seemed to be the opinion of the hon. and right hon. Gentlemen opposite, that for the purpose of calming the troubled waters of agitation, and giving support to the Established Church in Ireland, there was nothing like Parliamentary votes, and he held in his hand an account of monies granted to the Irish Church since 1801 to 1823. If they referred to those votes, they would find that, from 1801 to 1807, 4,615*l.* a year was voted; in 1808 and 1809, 9,230*l.* a year; from 1810 to 1815, not less than 55,384*l.* a year; from 1817 to 1821, 27,692*l.* a year; and in the years 1822 and 1823, 9,230*l.* a year. In thirty years 595,377*l.* had been expended on the Irish Church since the year 1800, independent of its income, and taking into account the money that had been advanced in addition, not less than 920,900*l.* had been granted for this purpose. The people of England could scarcely be expected to consent to the non-payment of the money advanced to the Irish Clergy, unless they saw that the question was likely to be settled in a satisfactory manner. The right hon. Gentleman had dwelt at very great length in one part of his speech on figures and calculations, with a view to show that there would be no surplus revenue at all. The right hon. Baronet had endeavoured to prove this by stating that if 200*l.* a year was given to each clergyman, and this was multiplied by the number of parishes in the country, such a sum would be required that no surplus could by possibility accrue. Now there was this difference between him and the right hon. Gentleman—he was not disposed to give a clergyman 200*l.* a year when there was no flock. He was not disposed to establish clergymen with an income of 200*l.* a year, when he had been told by the Commissioners to whom he had alluded, and two of whom were Protestant archbishops, that there were thirty Protestant clergymen who had been satisfied with getting 25*l.* a year for attending to the spiritual wants of Protestants in adjoining parishes to their own. They had the authority of the Commissioners for making a moderate allowance to the clergymen of the adjoining parishes, to do the duty in those parishes where there were few Protestants, and thus they would be enabled to dispense with a resident clergyman in such parishes. The right hon. Gentleman, therefore, in assigning an income of 200*l.* per annum to clergymen of every parish, did not adopt a course consistent with the principles of the Bill. But suppose that the right hon. Gentleman was correct in his statements, what reason had he given to induce the House to divide the Bill into two parts? When the Bill went into Committee, it would be open to him to object to the particular Clauses of which he disapproved. But the object of the right hon. Baronet's proposition was obvious. Notwithstanding that, the House had decided, after long debates, that the question of appropriation was connected with the concession of the million embodied in the Bill. The right hon. Baronet now called on the House to sever the two propositions, either for no purpose at all, or for the purpose of passing that portion of the Bill relating to the concession of the million and the settlement of the Tithe Question, and of throwing out the other portion of the measure relating to appropriation. If the right hon. Gentleman wished the House to retrace its steps, would it not have been much more decent if the right hon. Gentleman had come down and at once asked them to rescind the resolution they had sanctioned in so many forms? This, however, he had not done, but merely came forward with a proposition to divide the Bill into two parts, that the one part might be disposed of without touching on the other. There was one more extract to which he would take the liberty of calling the attention of the House. The passage itself was so important that it might well warrant him in so doing, without reference to the high authority from which it was derived. He referred to Knox's Remains, and the extract was taken from vol. 1. p. 48. The date was June, 1816. This writer said—"How are the two churches one, except in the arbitrarious, unpractical position of the articles of Union? In political matters, union between the countries being substantiated by effective arrangements; in the Ecclesiastical instance it consists solely in a gratuitous assertion, to which every circumstance in both Churches gives self-evident contradiction. To lay stress upon this asserted unity, therefore, as a reason for including both Churches in all measures of Ecclesiastical legislation is worthy of a statesman who thinks that multiplying schools and distributing tracts will cure the long-rooted and long-rankling malady of this mysteriously afflicted and miserably ill-managed country. The argument of the right hon. Baronet was equally applicable to the English as to the Irish Church; but the condition of the two countries was essentially different; and because it was so, he dissented from the argument of the right hon. Baronet, and must discuss this question with reference to the peculiar condition of Ireland, not on general but on peculiar principles. "I will say, Sir, concluded the right hon. Gentleman, let those hon. Gentlemen who wish to retrace their steps support this Resolution, but let those who think that the former decision to which the House came was founded in justice, reiterate their opinion by negativing this Resolution. By so doing they will not preclude themselves from examining hereafter the details of the measure, or from inquiring whether there is or is not a surplus to be appropriated. I protest against any question of detail being entered upon. I now, myself, am ready to argue it, but I at once declare that I will not do so on the present occasion, because I will not give the right hon. Baronet the advantage of joining issue with me on that part of the Question, and then calling on the House to divide with him on the general principle. We will contend with the right hon. Baronet in the Committee as to the details, but we will not, I repeat, be driven to give him the advantage of a debate on the details before we get into Committee. The more straightforward course would have been for the House to have been called on to rescind its former resolution. And if any hon. Gentleman thinks he can vote for the present Resolution without rescinding the former one, let him call to his recollection the cheers with which the announcement was received by the hon. Gentlemen upon the opposite benches, that it was intended to negative one part of this Bill and to carry the other part. The right hon. Baronet has not in effect, notwithstanding the appearances to the contrary, grappled with the question of figures; nor have I; because I say that this is not the right place to go into them. The right hon. Gentleman argued one proposition, and asked the House to divide on another. I am prepared, and will go into all the facts of the case, when we get into the Committee, after having negatived this Resolution, which I trust the House will do; but I will not allow what was a Parliamentary minority on a former occasion, to be converted into a majority now, by a little slight-of-hand and legerdemain dexterity, such as moving a Resolution which is apparently one thing, though most unquestionably it means another. I say I will not, under these circumstances, give to the hon. Gentlemen opposite the advantage of a discussion on the details one single hour before the time arrives for entering upon such a discussion in due course, and according to Parliamentary usage.

Mr. *Lefroy* said, he trusted that the House, considering those he represented, would not consider him guilty of intrusion in rising at that period of the debate to offer a few observations on the question before the House. His right hon. Friend (Mr. Rice), however dexterous his defence might have been, certainly did not grapple with the substance of the question; and, in the course of his speech, had answered to a great extent many of the objections which he himself had urged. His right hon. Friend had asked why the Bill should be divided; he would say, in answer, that he desired to divide the Bill, because he did not wish to throw out that part of it which referred to the support of the clergy; while to the other portion of it—he meant that which was intended for the destruction of the Established Church—he had an insuperable objection. He would ask the House whether they were prepared to legislate on the subject, whether there was a surplus or not? If his right hon. Friend, the Member for Tamworth, had clearly demonstrated that no surplus existed—and that he had done so most clearly, no man could doubt—then his (Mr. Lefroy's) friends had done right in moving it as an instruction to the Committee to divide the Bill, and had thereby given the House an opportunity of retracing its steps, and re-considering an act which was contrary to justice. Now, if his right hon. Friend had established that no surplus existed, was he to be told, that because the House carried a resolution in the absence of all information, it was not right and proper that they should have an opportunity afforded them of dissembarrassing themselves of that rash and inconsiderate vote. There was another circumstance which in his opinion justified his right hon. Friend in calling upon the House to divide this Bill, and that was the very resolution itself on which this Bill was said to be founded. For what was the nature of that resolution? It affirmed, that all the surplus revenue of the present Church Establishment in Ireland, which was not required for the spiritual wants of its members, should be applied to the moral and religious education of all classes; and thus, of course, it implied, that if there were no surplus, no alienation of any part of the property of the Church was to take place. Consequently, if it were now demonstrated that there was no surplus, the House, not having pledged itself unconditionally, was at perfect liberty to divide this Bill, and reject that portion of it which is founded on the supposition of the existence of a surplus. His right hon. Friend had been charged with a want of candour, in stating that the measure was imperative in its operation upon parishes, with less than fifty Protestants, which constituted parts of unions, such as Collon and Kilgarriffe. His right hon. Friend made no such statement; he simply stated, that parishes so situated would come under its operation. However, that it was intended to make the Bill imperative in its operations, though discretionary in its terms, was plain, from two circumstances: the one, that when the noble Lord, the Member for North Lancashire (Lord Stanley), asked the Secretary for Ireland, upon the introduction of the Bill, whether such was his intention, he plainly stated it to be so, and admitted that parishes, with less than fifty members of the Establishment, forming parts of unions, would be liable to sequestration, and the other, that the noble Lord himself had included in his 860 parishes to be sequestered, all parishes so circumstanced. But what of that? Suppose the power only to be discretionary in regard to any one of these parishes, was he to be told that it was no infringement of the rights of property—that it was no infliction of injury upon the Church to place this discretionary power in the hands of Commissioners, to be appointed by every Government—either by his Majesty's present Ministers, or by others, who might, if possible, go beyond them in hostility to the Church. Such a power was, in its very nature destructive of the sacred rights of property—property could not exist with such a power, because the owner of it could not be secure of possessing it for one hour. Then it was said by the right hon. (the Chancellor of the Exchequer) although he was forced to admit that parishes circumstanced like Collon and Kilgarriffe, were included in the 860 to be sequestered, it was merely for the purpose of making up a surplus; but that it was not to be supposed that the spiritual wants of the inhabitants, could be supplied out of other funds. But from whence, might he ask, were other funds to be obtained? By the provisions of the Bill, the incomes of all parishes were to be reduced to 300*l.* a year, and the balances remaining over and above that amount, were to be carried to what is called the Reserve Fund, but this and every other fund were already appropriated by the Bill to specific purposes. Then from what source, he asked, was it that the deficiency existing in Collon and Kilgarriffe, and other parishes similarly situated, was to be supplied? It was obvious that there was no fund which could be so applied; and that consequently these parishes when they come under the operations of this Bill, must remain in the state described by his right hon. Friend. The right hon. Gentleman had made certain statements relative to the Protestant population in different parts of Ireland, and said that a large proportion to the entire number, he thought to the amount of 500,000, was confined to the dioceses of Armagh and Dublin. Really, the extent of the population had nothing to do with the question of the existence or non-existence of a surplus, and that, be it remembered, was the main question on which the house had to decide. Admitting, however, that the principal part of the Protestant population of Ireland was to be found in those dioceses, he called to recollection that in those dioceses also, and particularly in that of Armagh, were to be found the largest endowments of the Church. The noble Lord, had, however, provided for reducing the income of all these great livings in Armagh to 300*l.* a year, and the excess was to be carried to the reserve fund for the benefit of the people of the South of Ireland. Then what provision was to be made for that enormous population of nearly 500,000 of which the right hon. Gentleman spoke as the number of members of the Establishment in the dioceses of Armagh and Dublin? There was none at all. Then why did the noble Lord take from them the provision already existing; why did he subject to a reduction of 300*l.* the incomes of the larger benefices in these provinces, without making provision for the smaller in point of income, although in some of them the Protestant population of the Establishment exceeded 4,000? The right hon. Gentleman instanced benefices in the south in which the Protestant population was very scanty, and the provision for the clergymen very large. He (Mr. Lefroy) admitted that such might be found; but on the other hand, he could adduce the inverse case of livings in which the Protestant population was immense, and the provisions for the clergymen very small—in which, indeed, the population was as much beyond the income as, in the instances brought by the right hon. Gentleman, the income was beyond the population. There were in all Ireland 103 livings, in which the population exceeds at the lowest 2,000, at the highest 5,000; of these no less than 30 would be reduced under the operation of the Clause for taking off 30 per cent. to less than 300*l.*—some of them so low as 79*l.*—some to 150*l.*—some to 178*l.*—some to 250*l.*—and none will amount to 300*l.*; although in every one of them the population of the Established Church exceeds 2,000, and in most 3,000 and in some even 4,000. It appeared that in all these parishes there were Churches—in some a second place of worship—in most of them a curate was kept, in some two—in some no glebe-house, so that the clergyman was at the expense of renting a house. He asked, then, on what principle of justice or expediency was it that these parishes were to be placed in this condition, in order that the property of the Church might be applied for the education of Roman Catholics or Dissenters. What was the admitted principle of the measure? That no surplus should be appropriated until adequate provision shall have been made for the spiritual wants of the members of the Established Church. And what were those spiritual wants? Could they be less than these—a reasonable provision for the maintenance of a clergyman—a residence for him and a place of worship? Surely, in the understanding of every man of sense, these must be admitted to be spiritual wants of the members of the Establishment which ought to be provided for; and was the House to be told, that an income of from 79*l.* to 260*l.* a year afforded an adequate provision for the maintenance of the incumbent in such parishes as he had mentioned? Then look at the state of things as regarded churches at this moment. There was at present a deficiency of 200 churches, and that would of course, be increased when the large unions were broken up. The benefices to be preserved were now 1121, and when broken up, they would form no fewer than 1545 parishes. In all then, there would be but 1338 churches, leaving a deficiency of 424. Then, again, there were 196 other places of worship: and did not the existence of these, which had been provided either at the expense of the parishes, or by the clergyman, sufficiently demonstrate the necessity of additional churches. He would call the attention of the House to the nature of some of these places of worship. From the description given by the Commissioners it appeared, that some of them were school-houses, some farm-houses, some the market-house, some the clergyman's house, the petty sessions-house, the court-house, a room occasionally, and in two or three instances, a coach-house. Yes, it did appear that in some places a coach-house was actually used as a place of worship in addition to the church, or as a substitute for a church where there was none; and were they to be told that this was accommodation good enough for the worship of Protestants? He admitted, indeed, that their Worship did not require costly temples—its purity and accordance with the Scriptures were its best passport to Heaven; but he trusted the times were not to be brought back, when the pure worshippers were obliged to hide themselves in dens and caves of the earth. In fifty-two of these parishes requiring a church, the Protestant population of the Established Church exceeded 500. In thirty, they were 1,000; in sixteen, above 2,000; in eleven above 3,000. He had taken an opportunity of learning from the architect of the Commissioners, the average amount of accommodation of the existing country Churches in Ireland; and from the letter which he received from him, he found that throughout the dioceses of Armagh and Dublin, the average accommodation of the country churches was about 450 persons, and that in other parts about 250. On the whole, therefore, the average accommodation did not exceed 350. Now, in the places to which he had referred, the population exceeded 500 persons. The architect went on to state:—"I must add, that very great inconvenience is felt in several places for want of sufficient accommodation; and in the circuit I am now making, I have had more than twenty applications for additions to the churches I have inspected, and am at this time preparing several plans for enlargements, to be executed by private subscriptions. The Ecclesiastical Comsioners are most desirous to give aid for the purpose, but the funds at their disposal are quite inadequate to meet the demands for repairs alone; and there are several churches, nearly in ruins, where there is not means to rebuild, which will be of the most serious injury to the Establishment, as the people are driven to other places of worship." He had the stronger claim to a provision for this branch of the spiritual wants of the Establishment from the statement put forth by the Commissioners, who declared that they were not able to provide for the erection of churches in parishes where they were needed. They stated in their Report, now on the Table, that "In connexion with the subject of churches, the Commissioners cannot but express the satisfaction they feel in having to report to your Excellency that many applications have been made to them for aid for the erection of additional churches, it appearing that the accommodation at present subsisting in those districts or parishes from which the applications have been received are quite insufficient for the congregations of the Established Church—and while the Commissioners have to mention that in many cases the parties have expressed their willingness to contribute, or cause to be contributed, certain proportions of the expenses of building, in some cases amounting to a fifth, in some to a half, and in others to three-fourths of the expenses requisite for the purpose, they cannot but regret that as their surplus funds alone are applicable to the objects now under consideration, they could hold out no immediate prospect of the applications in question being favourably entertained at present. The Board have, however, given every assurance in their power, that, as soon as there shall be any available fund for such purposes, these applications shall receive the earliest consideration—and they are fully satisfied, from the inquiries which have been made at this office, that had they been enabled to hold out any present encouragement to the building of churches, the applications on this subject would have been under such circumstances far more numerous than those they have now to refer to." His right hon. Friend had referred to the time which must elapse before the fund placed at the disposal of the Commissioners could be clear of debt, if ever—and that statement put beyond all reasonable hope the probability of it being nearer than about forty years—with a greater probability that it might never be so. He would ask then, why, in the mean time, were the surplus revenues of the Established Church to be applied for the purpose of educating those who were not members of the Established religion. He would ask the noble Lord, why the Bill should be so seemingly careful in some instances, and so heedless in others? Why, he would ask, should the noble Lord refuse to have a church built where there was a population of 1,000 Protestants, and provide for one of his places of worship at a modest cost of 100*l.*, where there were less than fifty. He only desired that the noble Lord might apply his principle to every part of the Establishment, but this he would not do. But the secret history of his not doing so was this—that were the noble Lord to act on the principle laid down by him (Mr. Lefroy), this imaginary sum would not be forthcoming. There were, as he had already stated, fifty-two parishes requiring churches, thirty in which the population exceeded 1,000, and eleven where the population exceeded 3,000. With these facts staring them in the face, with so many instances of parishes where the spiritual wants of the Protestant population were not provided for; he called upon those who respected the Resolution which, on a former occasion, had been passed in that House, not to vote for the application of an imaginary surplus until the spiritual wants of the Establishment were provided for by a sufficient number of places for worship, and an adequate provision for the clergy. There was another matter which demanded a place under the head of spiritual wants—namely, glebe-houses. Much had been said of non-residence; and he would, by no means, vindicate the absence of an incumbent, or advocate payment where no duty was performed; but, where there were no glebe-houses, residence could not so well be expected? He agreed with his right hon. Friend, Sir Robert Peel, that all abuses should be instantly put an end to; but this was not a Bill to promote residence; it was not a Bill to promote in any way the spiritual welfare of the Church. It abstracted, in some places, the great bulk of the property of the Church, while in others it doled out a miserable pittance, in lieu of what it pillaged. It appeared that there were 535 benefices without glebe-houses. In 386 of these, it was proposed that the Establishment should be kept up, and yet it was not proposed that a glebe-house should be built in any one of them. The Commissioners state, that they are unable from want of funds to provide glebe-houses. The Commissioners state "very many applications have also been made from incumbents of parishes for aid, either to build glebe-houses, or to augment poor livings; these, we also regret to say, from the cause already mentioned with reference to our surplus funds, have met with no better success, however desirable it would be, that glebes and residences should be provided for all the parochial clergy; as without them, their utility and beneficial influence, more particularly to poor districts, are considerably diminished." Here was the testimony of the Commissioners of their inability to build either Churches or glebe-houses; and was the House to be told that the funds of the Established Church were to be appropriated to Roman Catholic purposes, whilst these wants of the Establishment were left unprovided? If that regard for the Established Church which was professed had been really felt, Government would not have overlooked such a circumstance, but would have taken measures to remedy such an evil. He had shown with respect to the Churches—he had shown with respect to glebe-houses, that if provision were made for the spiritual wants in the 1,545 parishes that were to be maintained, so far from any surplus existing, there would be a deficiency. His right hon. Friend (Sir Robert Peel) had already proved that, making a provision of 200*l.* a year for each clergyman, there would remain no surplus; but even supposing the calculation of his right hon. Friend could be reduced (although he contended that it could not), these provisions for glebe-houses and churches, which necessarily came under the head of spiritual wants, would sufficiently show that there could be no surplus. The board of first fruits, which used to assist in the building of glebe-houses, had been abolished. The vestry cess was paid out of the funds of the Established Church, and, in addition to these circumstances, the present Bill reduced the income of every clergyman three-tenths of its present amount. When the House, therefore, came to contemplate the provisions of the Bill, they could not but view it as a matter of delusion to those who imagined there would be a surplus, while to the Church, it must be considered as a measure of the grossest injustice and hardship. What was the case of those clergymen, who upon the faith of receiving their regular income, had taken upon themselves the responsibility of building glebe-houses, or the payment of annuities charged on their livings? He had a letter in his hand, one of several he had received, from clergymen in Ireland, to which he begged leave shortly to refer. When the writer of the letter entered upon his living, it produced 900*l.* a-year. At that period a glebe-house was built upon it, which cost 1,800*l.* Subsequently, the living was reduced from 900*l.* to 525*l.* by composition, and yet he was called upon to pay the same instalments upon the money obtained to build his glebe-house, as when his income was actually 900*l.* a-year. The Bill before the House proposed to reduce three-tenths, and he would ask with what justice could the clergyman be called upon to pay the same instalments as when his living was three times the amount at which it would stand under this Bill? How, he would ask, would it be possible for him to pay the remaining instalments due for the building of his glebe-house, with his income so reduced. He would say, that there was no spoliator who would give himself time to reflect on the injustice and hardship which this Bill was calculated to inflict on the Church, that would not be shocked and ashamed of such a measure as this. There was one topic more upon which he felt it necessary to trouble the House. He had hitherto confined himself to the 1121 benefices which were to be maintained, and he should now apply himself to those benefices which were to be sequestered.

A great deal had been said by the right hon. Gentleman opposite, and great stress had been laid by him upon the fact—and it was urged as a gross instance of the disgraceful state of the Irish Church—that there were forty-one benefices in which there were no Protestants. He (Mr. Lefroy) admitted, that according to the Report there was not a single Protestant in these forty-one benefices. These benefices were composed of 155 parishes—the total income of which amounted to 8,847*l.*, giving an average of 57*l.* a-year to each parish, for maintaining in these parishes the plant of the established religion; and that was the mighty sum—and these were the great sinecurists and the extravagant endowments which the noble Lord proposed to do away with. Of the rest of the 715 parishes which were to be sequestered, there were 161 in which there was a Church, a glebe, or both. The noble Lord proposed that in all such benefices having Churches or glebe houses, the income should be reduced to a standard of 100*l.* Now, the total amount of the incomes of the 715 benefices he had just mentioned was 72,480*l.*, giving an average of 102*l.*; so that on 160 of those parishes the noble Lord would effect a contemptible saving of 2*l.* a-year, and no more. With respect to the benefices not having Churches, the noble Lord proposed, that the duty of the cure of souls should devolve upon the clergymen of neighbouring parishes—a process of great difficulty; and that the clergyman should receive from 10*l.* to 50*l.* So sweeping was the noble Lord's Bill in its operation that in many dioceses it would take away nearly all the existing benefices. In that case how could the business of religion possibly be done? The noble Lord in the first place proceeded to do away with all benefices in parishes where there was not sufficient duty to occupy the clergyman.—Then how could the noble Lord afterwards propose to add the duties of other parishes to the labours of a rector who had already enough to do in his own? He would ask what right the noble Lord had thus to encumber the clergyman of the Church of England with more duties and more responsibility than they were competent to bear?—This was a system of pluralism of the very worst description. Independently of the policy of removing so large a number of reverend and benevolent men from districts where their presence was most wanted, he put it to the noble Lord whether it were just or right to force men, whether they were willing or not, to take such responsibility upon themselves?—if he forces this duty upon them, will he not furnish the lazy and the indolent with an excuse for neglect, and how will this be in accordance with the tender feelings he expressed for the well being of the Church? He had another objection to urge with respect to the smaller parishes, where there were some Protestants existing, and from which it was proposed to withdraw the clergyman. It was not a like case as if a clergyman were to be withdrawn from parishes in England. In Ireland we have a rival Church Establishment, and the non-maintenance of the Protestant Establishment in those parishes is the establishing *de facto* the Roman Catholic religion there. By withdrawing the Protestant clergyman from these parishes you leave a small flock unprotected, and without any spiritual advice or consolation—you leave them open to all those attacks from a Church which makes a work of merit of proselytism; and, above all, you establish the Roman Catholic religion within them at the same moment you destroy the Established religion; and although you do not openly avow such to be your intention, you establish the Roman Catholic religion as effectually—nay, more so, by passing this Bill, than if you came forward and openly avowed that which you now seek to do by covert means. He said, more effectually, because if a Bill were introduced upon the avowed principle of making the Roman Catholic religion the established religion in Ireland, men would be on their guard—whereas now people are deluded by the notion that the duties of the parish would be performed by the rector of the adjoining parish, and that no real danger was therefore to be apprehended. His right hon. Friend (Sir Robert Peel) had proved to a demonstration, how inadequately the existing clergy, even as the parishes were to stand by the Bill would be provided for, if the funds of the Established Church should be applied to other purposes than providing for the spiritual wants of that Church. According to the calculations of his right hon. Friend the Church funds would not give on an average more than 225*l.* annually to each beneficed clergyman, and out of this sum the curates were to be paid. He (Mr. Lefroy) asked could the spiritual wants of the Established Church be provided for if 58,000*l.* were applied for the education of Protestant Dissenters and Roman Catholics? But in truth the sum would not be applied for the education of the Dissenters, because they would have no share in that system of education which had been provided by the board. The Synod of Ulster had already stated that they would have nothing to do with the system; and, therefore, it was in effect appropriating the revenues of the Church exclusively for the education of the Roman Catholics. He did not object to the educating of the Roman Catholics—on the contrary, he would, with all his heart, concur in a vote of public money, if properly applied to that purpose; but his present remarks went merely to show the inadequacy of the other system, and to guard the nation from being deluded into the idea that the board imparted a united system of education in Ireland. There were two other topics to which he did not intend to do more than advert, but which presented themselves very forcibly to his mind—one was the Union, and the other the Coronation Oath. He believed in his conscience, that the appropriation of the revenues of the Church in the way proposed by the Bill, would be a violation of both. He thought, however, that the ground upon which his right hon. Friend had rested his objection was so perfectly conclusive, and so much in accordance with the principles of common sense and justice, that he should prefer resting his opposition on the perfect demonstration, that no surplus really existed, to urging other topics which presented themselves to his mind. In truth, he felt the demonstration to be so clear, that he felt quite indifferent as to the vote the House might come to, except for its own credit sake, conscious as he was that it would never be carried into effect by the other branches of the Legislature or the nation at large. From the case that had been made out, it was utterly impossible for any man, whose mind was not warped by prejudice, to sanction by his concurrence a vote, into which the House had been trepanned in the absence of information—and now that they had before them the necessary information, he called upon them in the spirit of that vote to which they agreed, not to appropriate any portion of the revenues of the Church if there be not a surplus after supplying the spiritual wants of the Church; and he called upon every Member present to put his hand upon his heart, as a man of honour, and in a spirit of justice and fair dealing, and say whether there would remain an adequate provision for the spiritual wants of the Church, after a sum of 58,000*l.* per annum had been taken from it and appropriated to other purposes than those of the Established Church.

Mr. *Denison* said, he had on a former occasion voted for the resolution on which this Bill was founded, for appropriating the surplus revenues of the Irish Church to purposes of education; and having since become acquainted with the information which had been lately made public upon the subject, he did entertain a most unhesitating conviction that the vote to which he had then come was a just and a right vote. The arguments adduced by the right hon. Gentleman opposite had not effected any change in his opinion. While thus assenting to the general principle of the measure, he fully agreed with the right hon. Baronet, that in some points of detail it was necessary to introduce some alterations into it. He asked the House whether it was consistent with common sense, reason, or justice, that after the measures of Catholic Emancipation and Reform were granted, which placed all classes on an equality in the enjoyment of political rights, the Established Church should remain in the same position as that which it occupied before these measures were proposed. He approved of the present measure, because he considered it in many essential particulars calculated to improve the state of the Irish Church. He thought that one of the principles which the speech of the right hon. Baronet involved, he meant that by which the suppression of four or five hundred livings might be effected for the purpose of having the revenues derived from them appropriated to the support of the clergy in other remote parishes—exceedingly fallacious. The principle of appropriation adopted in the present measure was less objectionable than that proposed by the right hon. Baronet, and it followed as a matter of course on the propriety of suppressing some benefices that the revenue should be appropriated by the State. He concurred fully in the constitutional principle, that great questions of peace, war, finance, and legislation should be decided by a majority in the joint Legislature of the country; but he could not understand how the Repeal of the Union could be refused on the one hand, and a total disinclination to attend to the just claims of the Roman Catholics manifested on the other. It was almost unnecessary for him to remind the House of the advantages which were lost by the rejection of the Bill of last Session. The Duke of Wellington chose to throw out that Bill; and in consequence, the people of this country had to pay the sum of 400,000*l.* for the delay which had taken place in the bringing forward any measure for the adjustment of the question beside the 600,000*l.* already relinquished. He happened at the time, when that Bill was rejected, to be in Ireland and in the company of a Protestant clergyman, who was, amongst several interested in the decision of the question, the only person who expressed no regret at the fate of that Bill. The expression which he used was to this effect: "I am sure the Duke of Wellington would never propose the rejection of this measure unless he were prepared to give us another million for our maintenance during the winter, unless he do this, he will not have given us any thing like a complete restitution of our rights" Such was the consequence of the rejection of the Bill of last Session. He ardently hoped that so far from the majority which affirmed the principle of appropriation being at all diminished, that it would now be considerably increased. When speaking of the majority which would in all probability sanction the measure now proposed, he trusted that he should not be considered guilty of any breach of confidence, when he stated that an hon. Member had said to him that day, "Though I voted in the minority with the right hon. Baronet on a late occasion, I have now satisfied myself, from the examination of the Report, that this Bill is so excellent a bargain for the clergy of my own Church, that nothing shall induce me to give my vote against it." He should only say, in conclusion, that he had supported the Administration of the right hon. Baronet (Sir Robert Peel) on public grounds, until the question relative to the Irish Church came under the consideration of the House; and he was aware that exactly in proportion as his views on other questions approximated to or} were identified with those of the right hon. Baronet, so would be the asperity and censure with which his course on this question would be viewed. He did not however regret the conduct which he had pursued. Whether he were right or wrong in the course which he had then taken, it was not for him to say; but of this he was sure, that his choice was determined by nothing but a deep-felt conscientious conviction. If he had ever had any doubt as to the propriety of the part which he had taken on that occasion, it would be removed by the approbation with which the House had received his account of it. He felt bound upon every ground of expediency and justice to give the proposed measure his full and entire approbation.

Mr. *George F. Young* after stating, that when the question of appropriation was first introduced he took the same view of the inconvenience and impropriety of adopting an abstract principle as that expressed by the then Chancellor of the Exchequer (Lord Spencer) and that he did not consider that the question was placed in a different light by the proposal of the resolution of the noble Lord (Lord J. Russell) in March last, proceeded to say, that he now felt himself placed in a different position, for the abstract principle of the resolution was now embodied in the substantive proposition to be enforced by the Bill. He had never approved of the principle that in no instance whatever was the Legislature justified in diverting what were termed Ecclesiastical revenues from strictly Ecclesiastical purposes. It was certainly a matter for grave consideration when that departure should be made; but when he looked at the state of Ireland, and the circumstances developed in the Report of the Commissioners—circumstances which were somewhat exaggerated on previous occasions but which were now proved to exist to a great extent—he could not hesitate one instant in declaring that he should vote against the proposition of the right hon. Baronet the Member for Tamworth. The right hon. Baronet had certainly made a most able speech in introducing his amendment—able he meant so far as it afforded an eminent specimen of intellectual gladiatorship, but extremely defective as a calm and dispassionate appeal to the reason and common sense of the House. He was persuaded that many alterations of a very beneficial nature might be effected in this Bill, before it came out of Committee; but his firm belief was, that the adoption of its main principles would serve as a real bond of union between England and Ireland, and put an end to those unhappy divisions and animosities by which that country had been so long distracted.

Mr. *Fitzstephen French* had not risen for the purpose of trespassing at any length on the attention of the House. He would willingly have contented himself with giving a silent vote upon that occasion, had not the statement of the right hon. Baronet opposite, as to the income of the Ecclesiastical Commissioners, and the impossibility of their meeting the charge of five per cent. on the tithe composition for the present incumbents in the Protestant Church, rendered it imperative on him to present himself to their notice. The right hon. Baronet told the House—and, speaking from the document he held in his hand, told them correctly—the present annual income of the Ecclesiastical Commissioners amounted to 30,000*l.* There had lately been an increase to that sum of 7,000*l.* a-year, by the death of the Bishop of Ferns; but taking it at 30,000*l.*, the demand on them amounted to 70,000*l.* showing a deficiency of 40,000*l* a-year; but that was independent of the produce of the perpetuity fund, to which he but briefly alluded, merely mentioning the sum total received under that head since the passing of the Act 3rd William 4th. The right hon. Baronet had not told the House—he probably was not aware of what he then told them—that the cause of the deficiency of this fund was to be attributed solely to the Commissioners stamping an imaginary value on the perpetuities, a value which rendered it impossible for the tenants of the Church lands consistent with their interest, to avail themselves of that provision of the Bill which enabled them to convert their leaseholds into fee-farms. The right hon. Baronet had not told the House that out of 1,900 and odd tenants, but thirty-two had expressed any willingness to come under the proposed arrangements—that fifty-seven, after the prices had been fixed by the Commissioners, had declined purchasing, on the ground of the exorbitance of the demand; but let these perpetuities be disposed of at their marketable value, and he confidently asserted, and he was prepared, should it be necessary, to justify in Committee the correctness of his assertion, by figures, that this fund would be ample to cover, not only the present deficiency but the future charges, until such time as the Commissioners would be enabled, according to their own Report, to meet from other sources all demands that might be brought against them. As he was on his feet, with the permission of the House, he would run over as briefly, as rapidly, as he could, the principal provisions of the measure now before the House. The right hon. Baronet had failed in proving what he considered to be essential in establishing the expediency of a division of the Bill at present before them—the existence of a single principle of which the majority of the House did not approve of—first the conversion of the tithe composition into rent-charges, payable by the landlords; it had received the sanction of the late Parliament, was adopted by the late Government, and eulogised by the right hon. Gentleman. He (Mr. French), however, would say, it was a charge nothing but necessity could justify, although he admitted the present circumstances of Ireland rendered it imperative. The principle of suspending the appointment to some livings, and curtailing the incomes of others, after the death of the present incumbents, had already been admitted in the Church Temporalities' Act; it was, therefore, merely a question of detail how far that principle was to be carried into effect in the present measure, as to opening and revising the compositions, guarded as it was against anything vexatious, by the necessity of the sanction of the Commissioners of the woods and forests being obtained before an inquiry into the composition of any parish could be entered into, he confessed he was unable to discover the slightest objection, whether these compositions had been voluntary under Mr. Goulburn's Act, or compulsory under the Act of 1832; the justice of it, to a certain extent in the latter case had been admitted, but it was disputed in the former. Did the right hon. Gentleman mean to assert it was consistent with the principles of justice to convert an agreement for a term of years, without the consent of all parties, into one for ever—not taking into consideration the fall of prices, or any other circumstances which might have diminished the value of the tenancy? It was a principle which, if applied to rents, he doubted much whether the farmers of England could ever be convinced of its justice. The fact was, the House had now to decide between two adverse principles of Government in Ireland: whether religious ascendancy was to be the principle of governnent there, or whether a system of legislation without reference to religious belief was to be adopted. Of the effects of the one, they had the experience of three centuries of rebellion and massacre—of civil war and confiscation; and although the principles of the other had latterly made great progress, he felt that it required the passing of this Act to establish it in its integrity. As to the right of appropriation, he considered it to be the very basis of the Established Church of England. How, he would ask, was it possible that the temporal authority of the State could be exercised in a manner more absolute and complete than it was by the Parliament and Crown of England, in the process of their reformation in its different stages, under Henry 8th, Edward 6th, and Elizabeth, in the first year of her reign? Abroad they found the same power exercised by the State in Germany, the cradle of the Reformation; in Sweden, in Denmark, in the States of Holland, where they threw off the yoke of the Spaniard. What, then, was the inference? Was it not that the dominion of the State over the temporalities of the Church was not only the established law of England, but of every other Protestant State in Europe. He did not mean to assert that the adverse principle was now put forward here for the first time; it had been long since asserted and disproved. In the reign of James 1st, Selden, in his *History of Tithe*, quoted the capitularies of Charlemagne, as the earliest title to that property; and showed, in that case, that the dominion of the State could not be disputed. He was brought, it was true, by the authority of the King and Church, to renounce that opinion; and to confess the right to tithe was a right divine; but the renunciation of that great lawyer loses its weight, when we consider it was made under the terror, and in the presence, of the High Commission Court. He would confine himself to reminding them that this right of appropriation had been exercised in Scotland, at the Revolution of 1688, when Episcopacy was set aside, and the Presbytery established by King William, acting in concert with the States of Scotland, and endowing the Presbyterian Kirk with the revenues of the Episcopal Church. It might be said the States were Presbyterian, and that William was a Calvinist. Let them recollect, however, that appropriation was confirmed in the Act of Union by the Parliament and Crown of England. And who was then the Sovereign on the throne? Queen Anne, that High Church Princess, who has been termed the nursing mother of the Church of England. He would not detain the House by a description of its effects upon Scotland—her manufactories at Glasgow and Paisley, her agriculture on the best principle of practical and abstract knowledge spoke for themselves. But let them for a moment suppose the statesmen of that day, in place of acting, as he had stated, had refused to recognize the religion of the great mass of the people, and had planted the foot of a hostile Church on the neck of the Scotch Presbyterians, he would not venture to sketch an imaginary picture of what the State of Scotland would be. He would simply ask the House to look at the present state of Ireland. There had been another objection brought forward to the appropriation of Supplies to the purposes of Catholic education. He did not know if it was worthy of notice. It was the same which had been urged some nights since against the grant to Maynooth—that, as Protestants, the House could not conscientiously contribute, either directly or indirectly, to the support of a religion whose doctrines they believed to be erroneous. He respected conscience when it claimed for itself liberty and protection; but he did not hold in equal respect that conscience which would chain and bind other men of different feelings, on the intolerant, irrational, and, he would add, barbarous grounds of their being mistaken or idolatrous. But for a moment admitting the argument, he denied that, by an appropriation of the supplies to the purposes of Catholic and Protestant worship, they would be thereby promoting error; on the contrary, he maintained, that by placing error and truth in the same arena, on perfectly equal terms, they were strongly promoting the triumph of the latter. Milton said, though all the kinds of doctrines be let loose to play on the earth, so truth be in the field, we do injuriously to misdoubt her strength; who ever knew truth put to the route in a fair and open encounter? But, at all events, this objection of intolerant consciences and practical scruple came too late—it had been renounced long since; it was renounced when the Legislature first tolerated the free and open exercise of Catholic worship—it was renounced by an Act still more wise, manly, and direct, that which gave the most important of all political privilege, the elective franchise, to Roman Catholics; it was cut down and eradicated, root and branch, when the great Charter of religious liberty, Catholic Emancipation, was granted, an Act which would hand down the name of the right hon. Baronet, the member for Tamworth, with imperishable honour to the latest posterity, when the petty squabbles of party and the petty defamations of faction were lost in oblivion. If, however, the spirit of intolerance had not been destroyed—if, though overthrown, it still survived, he would only say, it was not the spirit of wisdom, it was not the spirit of the age, nor was it, he was confident, the spirit of the majority of that House; it was the spirit of the seventeenth century, which, under the name and mask of Religion, had been so long the bane of Ireland, which was summed up in that brief catechism of persecution sent forth in 1618, bearing the respectable signature of Archbishop Usher—in which it was declared that the religion of the Papists was false and idolatrous—that their church was apostatical, and that to give them toleration was a grievous sin. It was not the spirit contained in the words of one whose name was authority to both sides of the House, Edmund Burke—"to follow, not to force, the public inclination—to give a direction, a form, a specific sanction, a technical dress to the general sense of the community, was the true end of legislation." Thus spoke that great, that eminent statesman, and he felt it would be mockery, was he to seriously put it to the House whether they would consider this measure in the spirit of Archbishop Usher and the seventeenth century, or of Edmund Burke and the nineteenth century. He would no longer detain the House—he feared at that late hour he had already trespassed on their patience, and would conclude by assuring them, in the part he had taken, and was about to take on this Question, on which, although it deeply affected the interests, the feelings, nay, he might say, the passions of the large Catholic constituency he had the honour to represent, also deeply affected the interest of the Established Church, to which he was attached by education, by onvici and by close domestic relations. He was neither urged on by the spirit of party, nor influenced by feelings of faction; he sought alike for the tranquillity of Ireland and the security of the Protestant Church, and he was ready to take any steps consistent with the public principles to secure two so desirable objects.

Mr. *Walter* said, he was anxious to state the grounds of the vote which he intended to give on the present Question. As it seemed to be admitted on all hands that there would be no general surplus to give away, a difficulty which he might have otherwise felt was removed. The right hon. Gentleman who spoke second in the debate had imputed the blame of some of the disturbances in Ireland to two of the right hon. Gentlemen opposite to him. Whether these imputations were just or unjust, he knew not; but other causes he thought might be assigned, in which both parties participated; and to the evils springing from which causes this Bill offered no remedy. To those causes he should chiefly apply himself. Ever since he had had the honour of a seat in that House, the incessant subject of its attention had been the state of Ireland. That their attention had been unprofitably bestowed was but too clear, for Ireland was still in as unsettled a state as ever it was; nor did he believe, if this Bill were carried into effect exactly as its authors had drawn it, that it would produce the great object professed, or intended, of placing that country in a state of permanent comfort and tranquillity. It had been said, that those who had not much personal acquaintance with Ireland were incompetent to judge of its wants, or of the remedies to be applied to its distresses; but if so, what had been the use of so many Committees and Commissions on the state of Ireland? Certainly not to inform those who knew it already, but to supply the deficiency of information under which those who had never been there laboured; and if they might look back to the several Reports of those Committees, what would they find assigned as the never-ceasing cause of troubles, but the penury of the great body of the people? It would be tedious to go through the various Reports of the Select Committees on the State of Ireland; but the most cursory glance would convince any one that the real causes of the tumults and distractions there were to be found, not in the want of education, but in the want of bread. In an examination of the hon. and learned Member for Dublin, in the year 1825, before a Committee of the House of Commons, he found this evidence:—"The state of the lower orders in my observation is such, that it is astonishing to me how they preserve health, and, above all, how they preserve cheerfulness, under the total privation of anything like comfort, and the existence of a state of things that the inferior animals would scarcely endure, and which they do not endure in this country." The hon. and learned Member continued—"The parts of Ireland that I am best acquainted with are the counties of Clare, Limerick, Kerry, and Cork. * * * The food of the lower classes, except on the sea-coast, consists of potatoes and water during the greater part of the year; potatoes and sour milk during another part. * * * They almost always suffer great distress in that season of the year which takes place between the going out of the old potatoes and the coming in of the new. There is no statute provision with respect to the potatoe; and then if the peasant begins to dig his potatoes, he is completely at the mercy of the tithe-owner. It is right to say that he is in general not very harshly dealt with where the clergyman has the tithes himself; but when they are in the hands of laymen, and frequently persons of the same persuasion with himself, he is very badly dealt with. * * * Not one out of twenty is employed—that is, there is nothing like constant work for that number." The evidence given before the different Committees which sat in 1830 and 1832, coincided in stating, as a cause of turbulence, that one-fourth of the population were out of employment; and made the House fully sensible of the shocking condition of that part of it which was fortunate enough to find employment. He begged the House would hear what Dr. Doyle told the Committee of 1830, of the conduct of landlords towards tenants whom they had ejected, or the process of what is called "clearing the land." "It would be impossible (said that rev. person) for language to convey an idea of the state of distress to which the ejected tenantry have been reduced, or of the disease and misery, and even vice, which they have propagated in the towns wherein they have settled. They have been obliged to resort to theft, and to all manner of vice and iniquity to procure subsistence; but what is, perhaps, the most painful of all, 'a vast number of them have perished from want.'" * * * "The other day a gentleman ejected a few tenants (eight or ten families), some of whom sought an asylum with the neighbouring tenantry on the estate, and it was stated to me, upon unquestionable authority, that the landlord prevented those other tenants from affording to the ejected people that asylum. They then wandered about for some days or weeks, till another gentleman in the neighbourhood, of a very humane disposition, afforded them some temporary accommodation. If the family have a little furniture, or a cow, or a horse, they sell the latter, and come into the small towns. After a short time their little capital is expended, and they become dependent upon the charities of the town: they next give up their house, and take a room, but at present many of them are obliged to take, not a room, but what they call a corner, in some house. In all the suburbs of our towns there are cabins, having no loft, of suppose twenty feet long by twelve wide, with a partition in the centre. Now, four of these wretched families are sometimes accommodated in one small apartment of that cabin, and three families in the other. Then their beds are merely a little straw, strewed at night upon the floor. In these abodes of misery disease is often produced by extreme want; disease wastes the people, for they have no food or comforts to restore them; they die in a little time. I have known a lane, with a small district adjoining, in the town in which I live, to have been peopled by about thirty or forty families, who came from the country, and I think that in the course of twelve months there were not ten families of the thirty surviving; the bulk of them had died." He would only read one further extract. It was from Bishop Doyle's pastoral letter, written in 1832. He says—"Rackrents, ejection from lands or houses, as well as employment, are things which laws cannot easily control. There is but one legal remedy for those evils; let no man deceive you; there is but one remedy for them, and that remedy is a legal provision for the poor. This is a truth as certain as the rising of to-morrow's sun." Now what he should ask upon the subject of this evidence was, whether anything had been done to remedy the evils therein stated? The giving seats in the British Parliament to the gentry, though a wise measure—what relief had it furnished to the suffering peasantry? None whatever: they rioted before what was called the Catholic Relief Bill—they rioted before the Reform Bill—they had rioted since; and nothing, it appeared, was to be done for them this Session, notwithstanding the affecting representations which had been made to the House. Till this state of things was redressed, no peace could be expected in that country; and he should look upon all other measures, whether recommended by the Government or by Gentlemen from that part of the kingdom, neglecting a provision for the poor, as having in reality other objects besides the public happiness in view. The second great *desideratum* for Ireland was unquestionably a legal provision for the ministers of that Church, which, though not established—and never, he hoped, to be established, in any part of the United Kingdom—was still that of a large numerical majority of the people of Ireland. Attach the Catholic priesthood to the state, however unadviseable would be their incorporation with it, and a fresh and powerful hold is at once obtained over the affections of the whole Catholic community. Great reserve had been affected by some upon this important point; but the opinions of the most celebrated statesmen in this country had been in favour of the suggestion. Mr. Pitt said, in his celebrated letter to the father of his present Majesty," That with respect to the Catholics of Ireland, another most important additional security, and one of which the effect would continually increase, might be provided by gradually attaching the Popish clergy to the Government, and for this purpose making them dependent for a part of their provision (under proper regulations) on the state; and by also subjecting them to superintendence and control." His letter was written in the year 1801. The evidence of the hon. and learned Member for Dublin, in 1825, was precisely to the same effect. It would be extremely wrong (said that learned Gentleman) in the Government to give the Catholic clergy any part of the revenue of the present Church establishment; but " he thought a wise Government would preserve the fidelity and attachment of the Catholic clergy by what he would call the golden link—by pecuniary provision." If the leading men of the present day could be induced to join their efforts in carrying these two important measures, he (Mr. Walter) believed that peace would follow them. They at least applied to the existing grievances; and every thing else that had been done, or was professed, applied to theoretic or imaginary ones. Most reasonable men must concur in these two measures, because they were supported by reason and evidence. It was sufficient to say, against the plan for secularizing Church property, that it shocked the feelings or prejudices of vast numbers of the most pious and respectable people in the realm; especially as the produce, if any resulted, was not to be applied to the relief of famine, which was the crying grievance, but to the diffusion of knowledge, which was of no use to a starving population. If he thought the present measure would tranquillize Ireland, he should cheerfully vote for it; but being convinced that it would not—that many of its provisions did not apply to those evils which had been assigned by the most intelligent men as the real causes of disturbance, he should vote for the division of the Bill into two parts, that the good might be retained, and the objectionable laid aside.

Sir *Robert Inglis* said, that how far he should be able to agree with the hon. Member who had just sat down in recommending the introduction of poor laws into Ireland, or a select provision for the Roman Catholics, he would not stop at present to inquire, but would endeavour to confine himself more immediately to the subject directly before the House. His right hon. Friend who had moved this instruction to the Committee had anticipated every point that could bear on the question except one, and though it might be presumptuous on his part to suppose himself capable of making an addition to that right hon. Gentleman's speech, yet he should at once proceed to bring it under consideration. He believed there had been a great misapprehension as regarded the proportions of the Protestant and Catholic populations, and the state in which those proportions bore to each other at present, as compared with former times. As regarded his own views, it did not signify whether there were ten or 100 persons in any given parish of one or the other persuasion, but it was important as to the opposition that was to be offered to those who held a different opinion to himself, because then the argument of those who contended that the religion of the numerical majority ought to be the religion of the country would fail. For the information of those whose opinions differed from his, he begged to call the attention of the House to the statement which he had to make as to the gradual progress of Protestantism in Ireland. Two centuries ago, the whole number of Protestants in Ireland was not considered to amount to more than one-sixth of the gross population. Hume stated, that at that period the Protestants, including all classes of Dissenters, did not amount to more than one-sixth of the whole population. What was the proportion which the Protestants, exclusively in communion with the Established Church, now bore to the gross population? He believed it might be very fairly reckoned at one-sixth of the whole population of the country. There might be an error in this Return it was true, but he felt assured the Return was not overstated from other documents which he had had opportunity of consulting. Upon the whole of these documents, produced at the two different periods, he thought no man could doubt that there was a great increase in the number of professors of the Established Church in Ireland, whilst there was no increase in the proportion of the growing population of Ireland in professors of the Catholic religion. Now, he feared the effect of this Bill of the noble Lord would be, that it would lead not only to check the increase but actually to the extinction of Protestantism in Ireland; for if this Bill had been passed some twenty or thirty years ago, that particular part of it which places the lowest limit to a parish which shall have a curacy, or cure of souls, to parishes which have fifty resident Protestants within it, many parishes which would, even under this Bill, still retain pastoral care, would have been deprived of it by such a regulation as this. If the noble Lord's present proposition of limiting the supply of churches to parishes containing more than fifty Protestants had been in operation some years ago, many a Protestant population that now existed would never have been found at all. [*Great noise and confusion.*]

Captain *Forester* rose to order. He wished to call the attention of the Speaker to the conduct of the hon. Member for Youghal, who sat behind him, which was highly indecent. [*Great confusion, amidst which Mr. J. O'Connell rose from the cross-bench, at the foot of the House, where he had been sitting, and took a seat on the neutral bench next the floor*]. This was not the first time he had observed the hon. Member creating great disturbance in the House, and which he certainly could not allow to pass any longer unnoticed.

The *Speaker* said, if any hon. Member had reason to complain of the conduct of another hon. Member, it was undoubtedly competent for the hon. Member who suffered the inconvenience to complain of it. He could not help taking this opportunity of saying, that many hon. Members who had spoken in the course of these debates had had occasion to complain of the increasing tendency on the part of some other hon. Members to afford interruption, which must be as discreditable to hon. Members who made the interruption as it must be injurious to the character of that House. He hoped, therefore, that after this admonition the debates would be allowed to proceed with that propriety which was due, and without a repetition of that interruption which had been too often afforded.

Captain *Forester* was quite satisfied with having called the attention of the Chair to the subject.

Mr. *John O'Connell* said, that unaccustomed as he was to address the House, after this very unexpected attack on him, he could not but feel in a state of considerable embarrassment. He must, however, say, that he thought it rather extraordinary that his conduct should have been thus brought before the House on this occasion. He had been in the House since 1832, and he had never either intruded himself on it in one way or another, nor had his conduct ever before been brought into question. Thus much he would say, that in what the hon. Member had said in stating, in his attack upon him, that his interruption to the debates was more than that of others, he afforded him the opportunity of saying, that what that hon. Member had said was not the fact.

Mr. *Nicholas Fitzsimon* rose amidst much confusion, and said that he never trespassed on that House. [*Cries of "Order, order"—" Chair, chair"—" Question, question."*]

The *Speaker* said that it was incumbent on all hon. Members to observe that decorum which was due to the proceedings of that House.

Mr. *Nicholas Fitzsimon* rose to move the adjournment of the further debate on this question.

The *Speaker* said, that if the hon. Members who had taken a part in the present interruption of the proceedings of the House should proceed further with that interruption, he should feel it to be his duty to call the attention of the House to their conduct. Expressions had already been made use of which had made considerable impression. One hon. Member had said, that the conduct of another hon. Member had been indecent; the latter had said, that what the former had stated was not the fact. These were strong expressions, and such as ought not to be used or allowed in that House; therefore he had no doubt the hon. Gentlemen who had used such expressions would at once explain themselves.

Mr. *Forester* said, that he did not in the least intend to hurt the feelings of the hon. Member for Youghal, or to say anything offensive. Far be it from him to have had any such intention. He should be exceedingly sorry to have it supposed that he could have had such an intention, therefore he withdrew the expression he had made use of.

The *Speaker* wished to draw the hon. Member for Youghal's attention to this, that in giving the contradiction he had given to the statement of the hon. Member for Wenlock, he had said that what that hon. Member had stated was not the fact. The hon. Member must feel that that was a mode of conveying what he wished to express in language that could not be allowed to pass in that House without observation. The hon. Member for Wenlock had subsequently said, that if he had used an expression calculated to hurt the feelings of the hon. Member for Youghal, he withdrew that expression, therefore the hon. Member for Youghal would no doubt feel the propriety of withdrawing his expression.

Mr. *John O'Connell* said, that after the explanation which had been given, he had no hesitation in saying he regretted having used the expression referred to.

Sir *Robert Inglis* resumed, but owing to the very great noise and confusion that continued to prevail throughout the House scarcely one word could be heard. He was quite confident that the increase of the Protestant population in Ireland had been in a much greater proportion of late years than that of the Roman Catholics, whereas if the noble Lord's Bill had been passed long since, that increase would not have taken place, nor would there have been the resident Protestant clergy throughout Ireland there now was. Upon the whole, he should feel himself bound to support the Motion of his right hon. Friend.

Debate adjourned.

## HOUSE OF LORDS,

## *Wednesday, July* 22, 1835.

MINUTES.] Petitions presented. By the Earl of SELKIRK, from Mull and Barvas, for Protection to the Church of Scotland.—By Lord SEGRAVE, from Gloucester, Lord RAVENSWORTH, from Newcastle-upon-Tyne, and a NOBLE PEER, from Maldon, against Parts of the Municipal Corporations' Bill.—By Lord DUNDAS, from Ackworth, against the Use of Ardent Spirits, and against allowing Beer to be drunk on the Premises.

## HOUSE OF COMMONS,

## *Wednesday, July* 22, 1835.

MINUTES.] Petitions presented. By Mr. A. CHAPMAN, from Whitby, against any Alteration in the Timber Duties.—By Sir ROBERT INGLIS, from Killeshandra, against Allowing Freeholders of less than 50*l.* to Vote at Elections.—By Mr. BROCKLEHURST, from Macclesfield, against the Duty on Spirit Licenses; also from the Retailers of Beer of the same Places for being placed on a footing with Licensed Victuallers.—By Mr. M. O'CONNELL, from Aughagoure, for the Abolition of Tithes and the Application of Church Lands to National Purposes.—By Mr. C. FERGUSSON, from Eddrachilles, for Protection to the Church of Scotland.—By Sir ANDREW AGNEW, from a Number of Places, for the Better Observance of the Sabbath; from Edinburgh, for the Suppression of Drunkenness.—By Captain GORDON, from Aberdeen, in favour of the Instruments of Sasine (Scotland) Bill.—By the same, Mr. BANNERMAN and Mr. S. MACKENZIE, from several Colleges of Aberdeen, against the Aberdeen Universities' Bill.

IPSWICH ELECTION—BREACH OF PRIVILEGE.] Mr. *Williams Wynn* brought up the Report of the Committee on the Ipswich election, and moved that it be read, which was done as follows:—

Your Committee have experienced considerable difficulty in this inquiry, from the apprehension of prejudging a criminal charge now in progress to trial by due course of law; but they have come to the following Resolution:—

1. That it does not appear to the Committee, that the conduct of the Magistrates, Samuel Bignold and Edward Temple Booth, Esquires, before whom the said John Pilgrim was charged, was a breach of the privileges of this House.

2. That it appears to the Committee, that Thomas More Keith aided and abetted the procuring and continuing the absence of John Pilgrim, to prevent his giving evidence on the

Petition against the Ipswich election; and that he used the charge of embezzlement as a means of inducing Pilgrim to remain in concealment for the same purpose.

3. That on Pilgrim's return to Norwich, an information was laid against him for embezzlement, which had the effect of delaying obedience to the Chairman's summons, and his attendance before the Committee of the Ipswich election; but that it does not appear to the Committee, from the evidence before them, that there is any proof that these proceedings were taken for the purpose of producing such delay.

4. That it does not appear to the Committee, from the evidence before them, that any charge is proved against Joseph Sewell John Blake, or John Joseph Blake.

Your Committee cannot conclude their Report without adverting to the service of a summons from a Chairman of an Election Committee, for the purpose of obtaining the attendance of a person in custody:—They apprehend that the most usual course is to resort to the House for an Order, to be expressed by the Speaker's warrant to that effect.

Mr. *Hume*, in accordance with what he believed to be the invariable rule, thought he might move, that the gentleman reported against (Mr. Thomas More Keith) should be taken into custody by the Sergeant-at-Arms.

Mr. *Williams Wynn*, as chairman of the Committee, begged to say, that he hoped the House would proceed to read the evidence itself, before it decided upon inflicting punishment on any individual.

Mr. *Rigby Wason* observed, that on the former occasion, the House had proceeded to commit individuals, and thus far proceeded to punishment without having the opportunity of reading the evidence, and this in cases when there was a doubt as to the facts established respecting the conduct of individuals amounting to a breach of privilege. In this Report, however, a distinct offence was stated; there could not, therefore, now, as before, be a doubt put forth as to the breach of privilege.

Mr. *Hume* quite concurred with his hon. Friend, and would move that Mr. Keith be forthwith taken into the custody of the Sergeant-at-Arms, agreeably to the Report.

Sir *Robert Inglis* hoped the hon. Member would not press his Motion that evening.

Mr. *Hume* would assent to the request if he did not feel that this might prove an obstruction to the course of justice.

Mr. *Sinclair* thought, that the House ought to have the opportunity of seeing the evidence in the first instance. He apprehended that the great object of appointing the Committee was to get the evidence.

Mr. *Wilks* thought the duties of the Committee went much further than the collection of evidence. They were also to have formed an opinion of the conduct of certain individuals. They had done so, and reported their deliberate decision. It would be ridiculous to ask the Committee to go into the inquiry unless they were prepared to act upon its judgment when reported.

On the suggestion of Sir J. Wrottesley, the Resolutions were again read to the House distinctly.

Mr. *Williams Wynn* said, there was great difference of opinion amongst the members of the Committee, respecting the Report, and as to the appointment of the Committee, he considered it to be to save the trouble and the time of the House, which would be the result of an examination at the Bar. The Committee had been directed to report the evidence to the House. What would be the use of this, if the discretion were to be altogether left to the Committee? If, indeed, a witness refused to give evidence before a Committee, or persisted in prevaricating, it was a positive obstruction to the business, upon which they might well appeal to the authority of the House; but "aiding and abetting" in preventing a witness from giving evidence were such general terms, applicable to such varieties of culpability, that before they entertained any question of punishment, he was decidedly of opinion that the House ought to have the evidence before them. Besides it should be known that the decision of the majority turned on opposing testimony, which the House ought to be empowered to judge of from its own consideration. No great loss of time would take place, inasmuch as the evidence might be printed from day to day. He did not mean to anticipate that the decision of the House upon the evidence would be different from that arrived at by the majority of the Committee; but it certainly would be more satisfactory to him, as Chairman, and he should suppose to the country, if the House would be good enough to judge for itself after examination of the evidence.

Mr. *Patrick M. Stewart* differed altogether with the right hon. Gentleman in the opinion he had expressed. He did not see how they could now consistently deviate from the course they had formerly pursued when individuals were implicated by the Report of the Ipswich Committee over which he presided as Chairman. Before the first Committee Mr. Keith had been examined at great length. They had accompanied him from Norwich to Calais. They had heard everything which he had to urge in explanation. They were at that time unable to trace Mr. Pilgrim in his progress. It was in consequence of the suspicious circumstances which struck them, and which they intimated, that the second inquiry took place. The evidence respecting Keith's conduct before the Committee which had just reported, must have been, in all material points, similar to that which had been already given, and under all the circumstances, he agreed with the hon. Member for Middlesex in thinking that Keith ought to be committed at once to the custody of the Sergeant-at-Arms, to be afterwards dealt with as they might see fit.

Mr. *William Miles*, addressing the House as a member of the Committee, informed them that there was something in Mr. Keith's case which might well induce them to postpone the consideration of the question for a short time. A medical certificate had been sent in, showing that Mr. Keith was extremely ill; and about his case there was a peculiar delicacy to which he would not further allude. Under these circumstances it would be most distressing to have him brought up at once.

Mr. *Hume* was actuated by no vindictive feelings; he was merely anxious that justice should be done, and that the forms of the House be complied with. After the committal the House might deal with Mr. Keith as it thought proper.

Sir *Matthew White Ridley* thought, that under the peculiar circumstances, it would be as well to suspend for a short time the committal of Mr. Keith to the Sergeant-at-Arms.

Lord *John Russell* was by no means certain that by taking the course recommended by the hon. Gentleman (Mr. Miles) the illness of Mr. Keith would be increased. Under all the circumstances, however, he should propose that the case be put off until Friday.

Mr. *Hawes* said, the Report of the Committee would be justified by the evidence. If anything beyond that which had appeared from the medical certificate had transpired, he should at once accede to the proposition for delay, although his own impression was, that the sooner the case was disposed of, the better would it be for Mr. Keith, whose apprehension of consequences would be kept alive and increased by the delay.

Motion postponed to Friday.

Mr. *Patrick M. Stewart* begged to say a few words upon a matter personal to himself. In the last paragraph of the Report just printed by the right hon. Gentleman, allusion was made to the fact of his having signed a warrant as Chairman of the Committee, which was declared to be unusual and out of order, and which he now believed he had no right to do. The fact was, as he had before stated, that Mr. Pilgrim was travelling about, and could neither be traced abroad nor at home. He had signed and sent off five or six summonses, one of which at last caught Pilgrim at Norwich, and when he was in the act of obeying it, his portmanteau being on the mail-coach and his foot on the step, he was arrested by the warrant of the magistrates of Norwich. He then, on learning this, after having some consultation but not conference sufficiently formal with the Committee, signed a warrant to have the body of Pilgrim brought before the Committee, which warrant he subsequently found he had no right to sign, as a Chairman could only sign summonses. So far he pleaded guilty. He should have applied to the House, and obtained the signature of the Speaker to the warrant. If he had done so, Pilgrim might have been here a couple of days sooner, and some time thus be saved; but otherwise the course of the Committee had not at all been affected by this proceeding.

Mr. *Williams Wynn* had meant nothing disrespectful to the hon. Gentleman. The Committee were only anxious to prevent a question being raised in consequence of the proceedings of the hon. Gentleman, or a precedent being established.

Sir *Broke Vere* moved, that John Eddowes Sparrowe be called to the Bar, with a view to his being discharged forthwith.

Mr. *Aglionby* opposed the Motion. Many more innocent men had been kept for a much longer time in Newgate than six weeks. That person had been guilty of great offences against the dignity and privileges of the House, and he should like to know on what grounds any clemency should be displayed towards him. He for one should divide against the Motion, if the sense of the House were taken on the subject. Sparrowe had been guilty of the grossest abuse of the rights and freedom of election, and he hoped that person might be detained in Newgate until the end of the Session.

Mr. *Hume* concurred with the hon. Member. He thought they should be furnished with some good reasons for extending their clemency to Sparrowe. When an appeal was made lately on behalf of the Dorchester labourers, who were ignorant, and so far as they knew, innocent men, little disposition was shown to grant mercy to them. He thought, that the detention of Sparrowe until the end of the Session would be a very moderate punishment.

Dr. *Lushington*, after stating the offence of which Sparrowe had been guilty, and declaring its enormity, went on to say, that still it was a serious question whether this man should be detained longer. He could not but feel in all these cases, that the House was acting in the double capacity of prosecutor and judge, and he thought that instead of proceeding in the present manner, it would be much better to bring in a Bill to Parliament, ordering that offences of this nature should be punishable by a jury and by judges, whose passions were not like those of Members of the House in any way engaged in the inquiry. If he were asked was six weeks' imprisonment in Newgate an adequate punishment for Sparrowe's offence, he should reply not. But if he were asked what he considered was the wisest and most discreet course which the House of Commons should pursue, he should say that they had better not proceed to the utmost extremity of the punishment in their power, but, on the contrary, discharge the individual forthwith. He thought this latter was the course which would best vindicate the character, dignity, and honour of the House in the eyes of the community. He would suggest also that it would be unwise to exhaust their whole power of punishment on the present case; what were they to do, if one of a more aggravated description appeared before them?

Sir *Robert Peel* could not concur in the suggestion of the hon. and learned Member who had just addressed the House. For one, he should be very unwilling to transfer to any other tribunal the power of enforcing the authority of that House. He much feared that if they parted with the power of vindicating their own orders, they would greatly weaken their privileges, and encourage a contempt for their authority. In the case of the Dorchester labourers, what he had contended was, that the Crown should decide, and not that House; but the case was very different here, for here the punishment had been inflicted by order of the House itself; and without impugning the power of the House, any hon. Member might with perfect consistency vote for the release of the two individuals in question. The only question then for consideration was, whether the end of punishment being to deter others from offences similar to that on which punishment was inflicted, the imprisonment of six weeks in Newgate was sufficient to deter others from committing a similar offence. In his opinion it was, and on this feeling he should vote for the discharge.

Mr. *Patrick M. Stewart* concurred in what had been said by the right hon. Baronet as far as regarded Sparrowe. He thought he had undergone a sufficient punishment, and he hoped the hon. and learned Gentleman (Mr. Aglionby) would not press his Amendment.

Mr. *Aglionby* said, that he had not moved any Amendment. He had merely said, that he would oppose the discharge at present.

Mr. *Rigby Wason* said, he would vote for the release of Sparrowe; but he thought a distinction should be made between his case and that of Clipperton, who had refused to answer questions put to him by the Committee.

Lord *John Russell* said, he could not concur in the view taken of the case by his hon. and learned Friend (Dr. Lushington), that the House ought to go to a Court of Law to enforce its authority. He agreed with the right hon. Baronet, that such a course would greatly impair and weaken the authority of the House. He also admitted, that no good end could be answered by continuing Mr. Sparrowe in confinement, for that his imprisonment had been sufficiently long to deter others from the commission of a similar offence. Without saying what course he should be prepared to take with respect to Mr. Clipperton, he would vote that Mr. Sparrowe be brought up and discharged.

Mr. *Aglionby*, after what had been stated, would not divide the House on the Question.

The Motion that Mr. Sparrowe be brought to the Bar of the House to-morrow, and then discharged, was put and agreed to.

Mr. *Freshfield* then moved, that John Clipperton be brought to the Bar to-morrow and discharged. After the intimation given on the other side, he felt it necessary to state, that in his view of Mr. Clipperton's case, it was much less aggravated than that of some others who had been placed at the Bar. Mr. Clipperton had no connexion with the election at Ipswich. He acted solely as the legal agent of the sitting men, and he had refused to tell matters which had come to his knowledge in a confidential manner from his client.

Mr. *Rigby Wason* contended, that there was no ground whatever for saying that Clipperton was less guilty than others. In his (Mr. Wason's) opinion, he was much more so. The statements in his petition were contradicted by his own evidence before the Committee. On this ground, and also on the ground that he had refused to answer questions put to him by the Committee, he would oppose the Motion for his discharge.

Sir *John Wrottesley* thought they ought to wait in this case, as in that of Mr. Keith, till they had the evidence of the Committee before them; for it was possible that by that evidence, Mr. Clipperton might be convicted of another breach of privilege, which would justify his being sent again to prison, He would suggest, therefore, that the debate be adjourned to Friday.

Mr. *Harvey* could not concur in the extraordinary principle of the hon. Baronet, the Member for Staffordshire. It would be quite time enough to consider what further punishment should be inflicted on Mr. Clipperton, when they had evidence before them sufficient to convict him, if any such existed. For his own part, he would vote for the discharge of both parties, seeing that the House had allowed the most guilty parties to escape. As to the punishment by six weeks' imprisonment, it was idle to talk of that as such, where the party enjoyed every comfort. How different had been the case with the Dorchester labourers. But the labouring classes met with no sympathy in that House. He repeated, that when magistrates gave a punishment of two or three years' imprisonment to poor labourers for trying to get the highest price for their labour, he was justified in saying, that the poor had little or no sympathy shown for them in that place, the more particularly when he found that an imprisonment of a few weeks was considered much too severe for an offence greater in itself, and much worse in its consequences, than that of the poor labourers. These were dangerous things to be told amongst the poorer classes. If Mr. Clipperton had told the whole truth, his client would have been disgraced.

Mr. *Richards* said, that the hon. Member for Southwark seemed to assume that he and those on his side of the House were alone the friends of the working classes, and as though he were the only person who had ever done any good to the labouring portion of the community. He should be glad to know what good the hon. Member had ever done for them. He should beg of the hon. Member in future to deal with more respect towards those who, with himself (Mr. Richards), at present occupied the Opposition benches.

Lord *John Russell* concurred in the view taken by the hon. Member for Staffordshire (Sir J. Wrottesley), and hoped that the debate would be adjourned to Friday next.

Mr. *Freshfield* said, that even admitting that Mr. Clipperton had been guilty of a crime, it should not be forgotten that he had already suffered severe punishment, even after expressing deep contrition to the House for the conduct with which he was charged. In his petition, he set forth that he knew nothing but what had reached him in his professional character, and that he felt himself bound not to disclose. He begged further to state, that he was as incapable of a quibble as the hon. Member for Ipswich, and he, in the strongest terms that the usage of Parliament would permit, denied the imputation of having placed any quibbling construction on the facts of the case. If Mr. Clipperton were longer kept in custody, it would be a case of the greatest hardship of which he had any remembrance.

Mr. *Rigby Wason* was understood to say, that he had not used any language which could, except by a forced construction, raise any imputation of a quibble as against the hon. Member for Penryn. If he had used any such language, he could only say it was accidental. He believed that he had not done so, and the hon. Member had no right to put a forced construction upon words used by any other hon. Member.

The Earl of *Darlington* expressed his astonishment at the course which in this case the hon. Member for Ipswich had pursued. He observed, that it was with extreme regret that he saw any hon. Member of that House acting with that vindictive spirit which the hon. Member for Ipswich was now doing. In no other place but the House of Commons would it be allowed to any man to act as judge, as it were, in his own case. It was not for him to comment upon the conduct of any hon. Gentleman, but he could not avoid expressing his sorrow that the hon. Member for Ipswich should have been tempted to pursue such a course as he had in this instance adopted. He however left it to the hon. Gentleman's own sense of propriety to decide whether or not he thought himself justified in that course.

Mr. *Wason.*—The noble Lord, although prompted by the hon. Member for Knaresborough—

The Earl of *Darlington* said—I beg to call the hon. Member for Ipswich to order. The hon. Member for Knaresborough did not say a single word to me. Do not speak that which is false.

Mr. *Wason* rose amidst continued cries of "Order" "Chair," but resumed his seat on

The *Speaker* stating, that he hoped the noble Lord would explain the observations which he had just made.

The Earl of *Darlington* said, he was sorry if he had made use of any expressions which were improper; at the same time, when an hon. Member attributed words to him, or stated that he was prompted, when the hon. gentleman knew perfectly well that the hon. Member for Knaresborough had never addressed a word to him, he could not avoid repelling the insinuation in the strongest terms.

The *Speaker* was sure the noble Lord would after a moment's reflection see that he had used terms which were offensive and contrary to the rules of the House.

The Earl of *Darlington* said, that he was sorry if he had been guilty of any expressions that were offensive, but he trusted that he might be allowed to say that the hon. Member for Ipswich had first stated that which was offensive to him (the Earl of Darlington).

Mr. *Rigby Wason* said, that of course the noble Lord had a right to remark upon the terms which any hon. Member had used, but he (Mr. Wason) in the observation which he had made had meant nothing offensive to the noble Lord. He had certainly seen the hon. member for Knaresborough turn round, and as he thought speaking to the noble Lord while he was addressing the House. If the noble Lord now said that he had not been prompted by the hon. Member for Knaresborough, of course that statement was sufficient and conclusive. What he (Mr. Wason) had further meant to state was this—that when the noble Lord stated that he (Mr. Wason) acted upon vindictive feelings, if he (Mr. Wason) chose to state the noble Lord had said that which he (the noble Lord) knew to be untrue, he should use language which was unparliamentary, but he would now state that in saying he was actuated by vindictive feelings the noble Lord said that which was untrue.

The *Speaker* called the hon. Member for Ipswich to order and to explain.

Mr. *Wason:* The noble Lord had stated that I am actuated by vindictive feelings. I say this is untrue. If that is unparliamentary language, of course as unparliamentary language I retract it. How could the noble Lord possibly know the feelings which actuated his (Mr. Wason's) breast? He knew those feelings, and must repeat that the assertion was untrue. [*Renewed cries of "Order, order," and loud calls upon the Earl of Darlington from the Ministerial benches.*]

Mr. *Williams Wynn* said it was manifestly contrary to the rules of the House for one hon. Member to charge another with vindictive feelings, or to attribute to him motives in the course which he was pursuing. Under such circumstances he was sure his noble Friend would do that which the House would expect—namely, retract the assertion he had made, and he was also satisfied the hon. Member for Ipswich would, on his part, do the same.

The Earl of *Darlington* stated, that if he had said any thing which was unparliamentary, or which was offensive to the House, he was very ready to retract those expressions. Having said that, he thought the hon. Member opposite ought, on his part to follow the course which he (the Earl of Darlington) was perfectly ready to pursue.

The *Speaker* was understood to say that the noble Lord by attributing vindictive feelings to the hon. Member for Ipswich had used unparliamentary language. He understood the noble Lord now to retract the offensive expressions, and he supposed the hon. Member for Ipswich would not hesitate to withdraw those which he had applied to the noble Lord.

The Earl of *Darlington* repeated that he was ready to withdraw the expressions which he had used, if the hon. Member for Ipswich would follow his example.

Mr. *Wason:* The noble Lord says that if I will do so and so, he will do so and so. That apology I will not accept, either in this House, or out of it.

Lord *John Russell* rose and said, that in confirmation of what had fallen from the right hon. Gentleman opposite (Mr. Wynn), and from the Chair, he begged to state that the first disorderly expression was that in which the noble Lord had attributed vindictive feelings to the hon. Member for Ipswich, and therefore, he (Lord John Russell) conceived that the noble Lord would pay that respect which was due to the House, and retract the offensive expressions without any condition whatever. The insinuation which the hon. Gentleman behind him (Mr. Wason) had made, that the hon. Member for Knaresborough had prompted the noble Lord, might be offensive to the feelings of the noble Lord, but it was not an offence against the rules and orders of the House. He himself did not see any reason to find fault with the remark made by the hon. Member for Ipswich.

Mr. *Richards* admitted, that while the noble Lord was speaking he had observed that Clipperton had a wife and a large family, and that so far he had prompted the noble Lord. It would appear, however, that the noble Lord had not heard him, and therefore his observation had fallen to the ground. The noble Lord had said, as he understood him, not that the hon. Member for Ipswich was actuated by vindictive feelings, but that he appeared to be so actuated.

Mr. *Goulburn* said, that his noble Friend had already stated, that if he had used any offensive expressions, he begged to retract them. His noble Friend had most distinctly made that admission, and he could not conceive what further apology could be required from his noble Friend.

The *Speaker* said, that he had understood the noble Lord, on his being informed that it was not competent to couple any conditions with his retraction, to have generally withdrawn the offensive expressions used by him.

Sir *Robert Price* said, that as there appeared to be some misunderstanding on that head, perhaps the noble Lord would have the kindness to satisfy the wishes of the House by stating again that which many had already understood him to have stated—namely, that he retracted the expressions which all allowed was contrary to the rules of the House. That being done, he was sure the hon. Member for Ipswich would not for a single moment refuse to do that which the House generally desired—he meant, withdraw the expressions which he also had used.

The Earl of *Darlington* was in hopes that he had made himself clearly understood by the whole House. He was at a loss to know what further to state, to satisfy the House. He repeated, it was not his intention to give offence, and that if he had used any offensive expressions, he was ready to retract them, and that as the hon. Gentleman opposite had also made use of expressions equally offensive to him (the Earl of Darlington), he thought it not asking too much if he called on the hon. Member also to retract them. He (the Earl of Darlington) was ready to make an apology for any expressions he had used, provided the hon. Gentleman did the same.

Lord *Sandon* said, that the difficulty still remained by the noble Lord still insisting upon the qualification to his explanation. The offence of which the noble Lord had been guilty was to the House, and to the House an apology was due, without qualification.

Mr. *Dominick Browne* had listened most attentively to the Debate, and he well remembered the noble Lord had stated that that which the hon. Gentleman had stated was false.

The Earl of *Darlington*: If I made use of that expression, I beg to retract it.

Mr. *Fowell Buxton* said, that as the first offender had retracted, the second ought also to withdraw the offensive expressions used by him. By this course, perfect order and the dignity of the House would be restored and established.

Mr. *Warburton* only understood the noble Lord to have retracted the word "false," and not the words attributing vindictiveness to the Member for Ipswich.

An hon. *Member* on the Opposition benches said, that he had distinctly understood the noble Lord to have retracted all the expressions which were offensive to the rules of the House.

The *Speaker* was understood to observe, that in his opinion the noble Lord had retracted generally the expressions which he had used unconditionally, and without qualification, and therefore he thought the House would concur with him in calling upon the hon. Member for Ipswich to do the same.

Mr. *Wason* [*after repeated calls from all sides of the House*] rose and said, he could only state exactly what appeared to him to be the circumstances of the case, and then leave it to the House to say whether he was right or whether he was wrong. When he had got up to reply to the noble Lord's first observations, that he (Mr. Wason) was actuated by vindictive feelings, he had said, that the noble Lord had been prompted by the hon. Member for Knaresborough, to which the noble Lord had replied, that it was false. Now, the hon. Member for Knaresborough had told the House, that it was true, for he had admitted that he did prompt the noble Lord. [*Repeated cries of " no, no," from the Opposition.*] He (Mr. Wason) had then understood the right hon. Gentleman opposite, the Member for Montgomeryshire, to have called upon the noble Lord to retract the word " false," which he (Mr. Wason) had also understood the noble Lord to do without the slightest equivocation. He (Mr. Wason) then went on to answer the term " vindictive feelings," and in doing so he had used expressions which the House held to be unparliamentary; upon which the Member for Montgomeryshire again rose, and informed the noble Lord, that it was unparliamentary to attribute motives or feelings to any hon. Member. The noble Lord then said that he was willing to apologize to the House, provided he (Mr. Wason) did the same. His answer to this was that which he now repeated—namely, that he would never accept an apology to which any condition was fixed.

The Earl of *Darlington* said, that the hon. Member in the statement of the facts which he had just made, had seemed to allege, that he (the Earl of Darlington) had stated that which was false, because it appeared to him that the hon. Gentleman persisted in asserting that he had been prompted by the hon. Member for Knaresborough. That hon. Member might have turned round towards him while he was speaking, but he declared upon his honour that he did not hear anything which the hon. Member for Knaresborough might have said. He (the Earl of Darlington) was therefore most certainly a little surprised to be charged with having been prompted; but with regard to the offensive expressions he had used, he was ready to retract them. If the hon. Member could prove that he had not used, subsequently any expressions offensive to him, he (the Earl of Darlington) would have no right to require from him an apology. It, however, seemed to him that the hon. Member had used expressions of a similarly offensive tendency, and he therefore thought it was no more than common courtesy that the hon. Member should also retract them.

Mr. *Rigby Wason:* I never meant to impute to the noble Lord an intention to deceive the House. I only alluded to the admission of the hon. Member for Knaresborough, in order to show that I did not speak without some foundation when I said that that hon. Member had prompted the noble Lord.

Mr. *Cutlar Fergusson* observed that the noble Lord had in his opinion unequivocally retracted every-thing. The words " vindictive feelings" were certainly of significant import in comparison with other words; but the noble Lord had since made a most unqualified retraction. These words were followed by words of similar import from the hon. Member for Ipswich; and he (Mr. C. Fergusson) thought that hon. Member was bound to make an equally unqualified retraction.

Mr. *Rigby Wason*: I understand that the noble Lord has retracted the expression imputing to me falsehood, without any condition. Of course, therefore, without any mixture of reserve or equivocation on my part, I also retract the expression used by me towards the noble Lord.

Mr. *Aglionby* expressed a hope that the hon. Member for Penryn (Mr. Freshfield) would consent to postpone the further debate on the petition before the House until Friday next. The evidence showed that Mr. Clipperton was not worthy of any favour at the hands of the House.

Mr. *Williams Wynn*, if the question went to a division, should vote in favour of the postponement of the discussion.

Sir *Henry Hardinge* hoped, when the right hon. Chairman of the Committee advocated the postponement of the discussion, his hon. Friend would see the propriety of adjourning the debate.

Mr. *Freshfield*, thus appealed to, would agree to the adjournment of further debate on the question, until Friday next.

Debate adjourned.

CHURCH (IRELAND).] The Order of the Day for the resumption of the adjourned debate on the Tithes and Church (Ireland) Bill having been moved and read,

Mr. *Hume* presented himself to the House. The subject had been already so often before it, he said, that it really was his original intention to have abstained from troubling the House with any observations in reference to it; but the right hon. Baronet, the Member for Tamworth, in the speech he had addressed to the House last night, on his motion for dividing the Bill into two parts, had addressed himself so pointedly to him (Mr. Hume), as one of the difficulties he had to contend with in dealing with the question, that he was anxious to remove from the mind of the House the undue impression which the right hon. Baronet's allusion to his exaggerated statements of the revenues of the Irish Church was calculated to convey. If the right hon. Baronet did him the honour to refer to his speech of 1822, upon the subject of the Irish Church, the right hon. Baronet would find that he was not quite correct in supposing his (Mr. Hume's) estimate of its available revenues to exceed 3,000,000*l.* sterling. On the 19th of June, 1822, he brought the question of the state of the Irish Church before the House, believing, as he then sincerely believed, and as, after fifteen years' experience, he still believed, that to the condition of that Establishment might be traced nearly all the evils and misfortunes of that unhappy country. At that period he was most anxious to impress upon the House two points of consideration—the one, the great magnitude of the Establishment; the other, the immense amount of its revenues. He was bound to state the authority from which he derived the information he then brought before the House. It was the authority of Mr. Wakefield, in his estimate of the revenues of the Irish Church—a work which was compiled during his residence with the late Lord Oriel, and at a period when he had, as he (Mr. Hume) believed, the best information that could possibly be derived. Mr. Wakefield computed the rental of Ireland at 14,000,000*l.* sterling; the property of the Church in Irish acres at two-elevenths of the whole product of the land. Taking this at 2,556,000*l.*, and adding the value of the parochial tithes, he found the total on Mr. Wakefield's own showing to be 3,200,000*l.* He had further stated, that if the estimates were correct, the actual gross amount of tithe then receivable was little short of 1,000,000*l.* sterling; and that there were twenty-four archbishops and bishops, and 1,270 beneficed clergymen, enjoying a revenue of nearly 1,000,000*l.* sterling. Now, how stood the fact? Why, a noble Lord, who had brought forward a motion on the subject, in common with other high authorities, had calculated the amount after all deductions and charges, at considerably above 600,000*l.* The noble Lord, the Member for Lancashire (Lord Stanley), had stated in 1824, that the revenues of the Church of Ireland amounted to only 327,000*l.* If his (Mr. Hume's) statement were exaggerated on the one hand, the noble Lord's was surely exaggerated on the other. He (Mr. Hume) had contended that the average revenue of each benefice was 520*l.*; the noble Lord had stated that 265*l.* would be the outside; but taking the average amount of the 417 livings commuted under the Tithe Composition Bill, the annual value of each amounted to 499*l.* His statement therefore, was not so much exaggerated after all; and, even if there were an unintentional exaggeration, it was attributable to the secrecy which had been preserved, and the perseverance with which the production of all accounts and statements had been refused. Considering the limited means of information he or any individual possessed on the subject, he submitted that the error was a very trivial one. He had only to look back for a period of eleven years, to the time when the noble Lord had made his statement, and to consider the facts which had since that occasion transpired, and to ask the noble Lord, and to ask the right hon. Baronet whether they or he were most correct? The very first vote he had given in that House on the question of the Irish Church was in 1812, on Mr. Canning's

Resolution of the 22nd of June in that year, which was to this effect:—"That this House will, early in the next session of Parliament, take into its most serious consideration the state of the law affecting his Majesty's Roman Catholic subjects," with a view to such a final and conciliatory adjustment as may be conducive to the peace and tranquillity of the United Kingdom—to the stability of the Protestant Establishment, and the general satisfaction of all classes of his Majesty's subjects. From that moment until the passing of the Catholic Emancipation Bill, he had been deeply impressed with the importance of that first step of conciliation, and he still thought there would be no peace or tranquillity in Ireland, until the Church Establishment in that country was placed on a better footing. If he had made such a speech as that made by the right hon. Baronet last night, he would have been immediately charged with paying attention to nothing but pounds, shillings, and pence. The whole of the right hon. Baronet's speech was a question of pounds, shillings, and pence. He talked of the necessity of protecting the Establishment, to be sure, but did he put this question to himself or to the House? Had the Church Establishment in Ireland, from the period of the first substantive motion, recognising the necessity of reducing it in proportion to its general utility, given satisfaction to the people, or answered the object for which it was founded. Measure after measure had been brought in, Bill after Bill had been introduced, Secretary for Ireland after Secretary for Ireland had endeavoured to perpetuate that Church in its old state, and what was the result of all their attempts? Signal and complete failure. So utter was the failure, that after all their endeavours they were compelled at last, to give up the Tithe, and to grant 1,000,000*l.* to the clergy of Ireland. The right hon. Baronet had failed throughout the whole of his argument to advance a single reason which went to justify the division he proposed. He would admit every one of the right hon. Baronet's positions and, the more broadly he admitted them, the more incorrect were his conclusions. What was the right hon. Baronet's object? To separate that part of the Bill which went to appropriate the revenues of the Church of Ireland to other than Ecclesiastical purposes, from the other portions of the measure. The right hon. Baronet's argument was this—"I hold that the property of the Church ought not to be applied to any purposes but those strictly Ecclesiastical, but I am willing to correct the abuses which disfigure the Establishment; to equalize its revenues, and to give incomes only to resident clergymen." Very well. The right hon. Baronet's great argument was that the fund from which the surplus was to be derived was already bankrupt, and that until the year 1853 there would not be one farthing of surplus available. Why, if there were to be no surplus at all, on what ground did the right hon. Baronet oppose the progress of the Bill? Any objections to the details, any amendments to the Clauses, might be urged in Committee. The whole proceeding was a contradiction; the very ground the right hon. Baronet took, destroyed his own case, and he ought not for one moment to have impeded the Bill in its progress to a Committee. The right hon. Baronet had objected to the noble Lord's Bill. He (Mr. Hume) would admit, that it was not the best that might have been introduced. He for one saw no reason why they need hamper themselves with benefices at all. Why could they not divide Ireland into districts, allot a clergyman to every place where there was a sufficient number of Protestants, commute the Tithes, sell all the landed property of the Church, bring the whole of the proceeds into one general fund, and pay the stipends which were to be proved necessary, out of it? The right hon. Baronet had alluded to the emoluments of the Scotch Church. He held in his hand a list of the livings of the Scotch clergy, with the emoluments attached to each, and he would give the right hon. Baronet the information he seemed to require. There were twenty livings, the emoluments of which were 800*l.* a-year each; ten with 2,600*l.* a-year each; ten with 500*l.* (all of these being benefices connected with the larger and more populous towns), and the remainder varied from 150*l.* to 300*l.* The Scotch clergy, he admitted, were better paid than the clergy of Ireland, for one reason—they were more equally divided over the country; but he had always contended that 300*l.* a-year was not too high a salary for a resident Clergyman with efficient duties to perform. The right hon. Baronet had referred to the case of Collon, where he said the Commissioners had se-

sequestered the two small livings, which contributed the greatest amount of revenue, and left the clergyman of the largest parish to perform the duties of the whole, with scarcely any revenue at all. To suppose that the Commissioners would act on any such principle, was to suppose they were fools, and disposed to act directly contrary to the trust confided to them; the mere statement of the case convinced him that the right hon. Baronet did not understand the Bill, or the powers given to the Commissioners by the 72d. Clause, which really left him not a leg to stand upon. His opinion decidedly was, that the Bill did not go far enough; for, after all, it would keep up establishments which were not wanted, and perpetuate that appearance of domination and tyranny so repulsive to the people of Ireland. He could not believe that any such alteration as was now proposed would give satisfaction to the people of Ireland. He valued the Bill for its principle, and hailed it as an earnest of the intention of the House to promote the welfare and consult the interests of the Irish population; but it was a question of serious importance to the people of England as well as Ireland, whether they should perpetuate a system of domination, which degraded every other sect, and excited the religious animosities of the whole population. Entertaining this opinion, he thought the Government, at no distant period, would be obliged to re-consider the whole Church Question, and adopt an entirely different course. The Bill would only do as a step, and as a step he was content to take it. If his charge were 6*s*. 8*d*. he would take 3*s*. 4*d*. rather than lose the whole, but he would wait for the remainder, and embrace the first opportunity of getting it. Of all the great subjects of discussion between England and Ireland, on none did they owe so heavy a debt to the people of Ireland as on the Church Question; and he hoped they would see some such change as he had proposed, before many years had elapsed. He would not seek to effect it at present, because he did not think he could carry the people of England along with him; but time, reason, and experience, he was convinced, would induce them, one and all to awaken to a sense of its justice and necessity. The right hon Baronet had said last night, that if the measure were carried, the Church would become stipendiary. Why should not the Church become stipendiary. Was it to be paramount to the Government. Here was the error, and here it had been before. The same obstinacy and wilful blindness had influenced the Anti-Reformers; they had stood by before, and would stand by now, until the storm of public opinion carried all before it. He was extremely surprised not to have heard one word from the right hon. Baronet on the real object of the Bill. The right hon. Baronet had talked of the Establishment, of persons starving on 225*l*. a-year, and pointed out the apparent absurdity of some of the Clauses, but did he ever put this question to the House—for what purpose was the Christian religion founded. Was it not to promote peace and good-will among men? Had the right hon. Baronet asked himself, or had any of those Gentlemen who now opposed the Bill, asked themselves whether the Church Establishment in Ireland had produced that result? Excitement, irritation, murder, and bloodshed, were these the effects of the best of religions? Oppression, tyranny, and resistance, were these signs of peace and good-will? The Establishment was a failure. It was the plain truth, and there was no denying the fact—a lamentable failure. All history and experience showed that wherever religious domination had existed, the more had persecution and intolerance flourished. These were the effects of the Church of Ireland, and those effects, it was proposed to remedy in part. Was the Bill again to be thrown out, and the people of England to pay another million as the price of the folly which allowed it to be thrown out? He hoped not one farthing of the public money would ever leave the Exchequer for such a purpose. Let the heads of the Irish Church—let the heads of the English Church—let the Duke of Wellington, or any other man—if they were disposed, render futile the liberal arrangements made last year, and the still more liberal arrangements (even on the right hon. Baronet's own showing) contemplated in the present; but let not the people of England, under any pretence, or on any consideration, lend their countenance or sanction to such a proceeding. He considered that they were now called upon, on principles fortified by experience and practice, to endeavour to allay the spirit of excitement and discontent that existed. With this object, differing as he did from the Bill in many of its details, and unwilling to impede the good intentions of his Majesty's Ministers, he would be most unwilling to throw any obstacles in the way, and should therefore support the measure. He believed that those who opposed this Bill took the worst course for their own purposes they could possibly take. They were the real Reformers, for by their opposition to all measures of Reform, they opened the eyes of the country. The right hon. Member for Cambridge (Mr. Goulburn) had, in 1824, accused him, when he brought forward the subject, of an intention to subvert, not only the Established Church, but the Constitution. With what compunction must the right hon. Gentleman now think of that speech, when he considered how general in all parts of the country the doctrines which were then advocated now are? So prevalent, indeed, were they, that even in Cambridge, he would venture to say, that the right hon. Gentleman would find his opinions in a minority. The right hon. Baronet, and the party who acted with him, were, as he said before, the real Reformers! Who had produced resistance to tithes in Ireland but the noble Lord opposite (Lord Stanley)? who, when he was Secretary for Ireland, said, "Let me have but the King as proctor, and I shall recover the tithes; let me but make use of the name of the King, and I shall collect them all, and tranquillize Ireland." But had the measures of the noble Lord the effect which he anticipated? Did he recover the tithes? Did he tranquillize Ireland? No. The noble Lord was not able to carry his point. Would that not teach the noble Lord and those who acted with him, what ought to be done for Ireland? Would that not lead them to mark the signs of the times, and take a lesson by them? What was the effect of the continual opposition of the Gentlemen opposite, to all reform? The consequence of it was, that it was now driving every part of the country into resistance. Was it not owing to the people despairing of being otherwise successful, that there was so strenuous a resistance at this moment to the Church-rates? He had a letter from Wolverhampton, which showed the feeling in respect to Church-rates. A Motion was made last week for a new rate, when an Amendment was moved that the question be adjourned, and the Amendment was carried by a majority of 948 to 303. This showed that three-fourths of the people of Wolverhampton were opposed to Church-rates. The Church-rates would now infallibly be lost—all the power in the country could not save them. The same would be the case with the tithes, if the opposition to the settlement of the question continued. Why should they, therefore, not make a timely secession from their present position. With regard to the Church of Ireland, he was inclined to abolish all the present parishes and benefices, and divide the country into new parishes, as the wants of the country might require. Many of those opposed to him might be of a different opinion, and would not, therefore, join him in that plan, but still he entreated them to withdraw their opposition to the measure now under consideration, which was founded on a spirit of conciliation to all parties. By further opposition they would sacrifice the Established Church in Ireland altogether. It was not to be expected that more money should be paid by the people of this country towards the support of the Irish clergy, and the recovery of tithes was absolutely hopeless. Let them then refuse this measure, and what would be the consequence? He would tell them that their opposition would be more fatal to the Established Church of Ireland than any thing which could possibly be proposed from the Ministerial side of the House. With regard to the speech of the right hon Baronet, the Member for Tamworth, he had not brought forward one single argument which appeared to bear upon the point. The right hon. Baronet had contended, that there was no occasion for the measure, as there was no surplus fund in existence. Now if that were the argument—if the right hon. Baronet were convinced that the surplus fund was bankrupt, and that there would in fact be no surplus for more than fifty years, why should he and his party trouble themselves about it? The right hon. Baronet had showed that there would be no surplus fund, and he therefore claimed his vote in support of the measure for the surplus was the great source of dispute. He (Mr. Hume) thought that in all the inventions of human mischief, mankind had never invented an engine so destructive of the public peace as the Established Church of Ireland. How long had the people of Ireland lived in hope of some improvement being made in their condition? and how had those hopes been realized? He blamed the Government of Lord Grey for having followed out the policy of their predecessors in regard to Ireland; but that was the rock upon which that Administration split, and he should think that those who formed it were now convinced that they had acted wrongly. But that species of policy was now at an end, and he admired the present Government for taking a different course. It was thrown out as a matter of reproach that the hon. and learned Member for Dublin supported this measure. But he could say, that the hon. Member for Dublin had always been an advocate for the oppressed against their oppressors, and was as anxious as any man to see the people of Ireland in a quiet and happy state; and he hoped that the people of Ireland would receive this Bill as an earnest of what it was the wish of the Government to do for them. He claimed from the right hon. Baronet the withdrawal of his opposition, because the right hon. Baronet said he had proved that there was no surplus, and surely, as a man of common sense, he would agree that it was foolish to quarrel about what was not in existence. But he (Mr. Hume) was satisfied that there would be a surplus, though the great advantage which he expected from the measure was, that it would tranquillize the country, and give the people of Ireland an expectation of better times.

Mr. *Goulburn* said, that the hon. Member for Middlesex had said, that though he had long fought on different sides from him, yet he gave him (Mr. Goulburn) credit for having sincerely entertained the opinions which he had advocated, and conscientiously pursued the course which he thought best. He was ready to give the hon. Member for Middlesex equal credit for sincerity, in pursuing that course which, however dangerous it might have appeared to him, was conducive to the forwarding of those views, which no doubt the hon. Member conscientiously thought the best. But so far from feeling any hostility on this occasion to the hon Member, he, on the contrary, thanked him for having stated what appeared to him to be in many respects, very correct views of the question under discussion. The hon. Member stated that he accepted this measure not as a final settlement of the question, but as a beginning—as an earnest of something to be done for the people of Ireland, the ultimate object which he had in view being that there should be no establishment of the Protestant religion at all [" *No, no*"]. The hon. Member had certainly said so.

Mr. *Hume* begged to explain. If he had said, that there should be no Establishment of the Protestant religion in Ireland, he certainly had not meant to say so. What he meant to have said was, that he wished the present parishes and benefices to be abolished, and new parishes constructed according to the wants of the country.

Mr. *Goulburn*: Then it appeared that the hon. Member would have an Establishment of the Protestant religion, but only wished to do away with all the old bulwarks of the Church, in order to reconstruct them; but what did the hon. Member then mean by this being only an earnest of what the people of Ireland had to expect? What did he mean by saying, that this was not to be the final deduction to be made from the incomes of the clergy of the Established Church, but that it was only the commencement of a series of deductions which were to end in what he said would meet the approbation of the people of Ireland? He Mr. Goulburn) thought that there was nothing to which the right hon. Gentleman opposite (the Chancellor of the Exchequer) more strenuously objected than the junction of measures different in their natures in one Bill. He had frequently been taunted by the hon. Member for doing so, and yet on the present occasion, when his right hon. Friend, the Member for Tamworth, proposed to divide into two separate Bills the two measures of which this Bill was composed, the right hon. Gentleman opposed it. The object of the two parts of the Bill were quite different, and acting upon the Minister's own principles, he called upon them to separate the two objects, and make two Bills. They could place together no two subjects more unlike or disconnected together; and that observation he made, not on his own authority, but upon that of a noble Lord (Hatherton), who brought forward the subject of Irish tithes, as the organ of the Government in the House, in the course of last year. The Noble Lord (then Mr. Littleton), when he introduced that measure, laid down a clear distinction between the realization of Irish Church property in the shape of tithes, and the appropriation and application of that property to any purpose connected with the Establishment in Ireland.

The noble Lord said,—" I must beg leave, before I proceed further, to caution Members of all parties against admitting on their minds any impression that, in the treatment of this subject, they are considering a question which in any manner involves the appropriation and application of Church property in Ireland. That I hold to be a perfectly distinct Question; it is one that has been made the subject of Parliamentary discussion heretofore—and it is a Question which may, I think, be constitutionally made the subject of Parliamentary discussion hereafter. I fully admit that point; but I do implore Gentlemen, that, in entering on the consideration of the Question, in what manner they can best realize the property of the Church, they will not for a moment mix it up with the perfectly distinct Question of the appropriation or application of its revenues. Sir, the Question which the House has now to consider, is simply and entirely a Question of property. It is as much a Question of property as if it regarded only the payment of rent."* He concurred entirely in those sentiments; and as the then Government did not mix up those different subjects in one Bill, his right hon. Friend was only acting in furtherance of the opinions of Gentlemen opposite, and carrying out the principle which they themselves had established, when he recommended the separation of this measure into two parts. The Chancellor of the Exchequer had said, that his right hon. Friend ought to have opposed the second reading. The right hon. Gentleman was a good tactitian, and would be glad to find his right hon. Friend oppose the principle of a Bill which had for its object not only the settlement of tithes, but the Question of the re-payment of the million given to the clergy. No; his right hon. Friend felt that there were parts of the Bill to which he ought to give his support while there were others which he should feel it his duty to oppose, and he, therefore, had no alternative but to allow it to go to that stage in which he might move that it should be divided into two Bills. He presumed that the reason why the Government had brought forward the measures conjointly was, that they felt they could not carry the one part of the measure without joining it with another of a popular character. They were afraid that their measure would not bear examination, and they therefore determined upon producing a species of political Siamese twins. The hon. Member for Middlesex, for the want, he supposed, of a better argument, had thought fit to attack him (Mr. Goulburn) for having done nothing for the Irish people. It was painful to have to enumerate what had been done by one's self; but having been attacked by the hon. Member, he had no other course to follow but to enter upon his defence. He had been appointed Secretary for Ireland in 1820, and submitted to the House a measure for the accomplishment of tithe composition, and, notwithstanding the opposition of many Irish Members, the Bill passed, and for a time put an end to the disturbances on the subject of tithes, which distracted Ireland at that period. It made the collection of tithes safe and easy, and, but for circumstances which afterwards happened, it might have continued to answer the object for which it was intended. He was blamed by the hon. Member for not having made the composition compulsory; but his answer to that was, that he had brought in a Bill with the compulsory Clause in it, but found that he was finally obliged to abandon it, in consequence of the opposition which it met with from the Irish Members, and he was compelled to accept a voluntary composition for twenty-one years, on the understanding that the Bill would, at a future period, be more efficient. The right hon. Gentleman, the Chancellor of the Exchequer, had said, that the Ministers were enemies to non-residence, but so were their opponents. Who, he would ask, had brought in a Bill to put a stop to non-residence—who had brought in the Curate Bill? Were they not introduced by himself? These Bills had passed into laws, and he wanted no farther proof of their efficacy than what had taken place since they had been agreed to. More had been done by these measures than by any previous measure that had ever been introduced. He recollected when a charge was thrown out against the clergy of the Church of Ireland as non-resident, Lord Plunkett, the present Lord Chancellor of Ireland, said, that there was no church in which residence was so much enforced, or in which the clergy so zealously discharged their duty. A Bill had also been introduced for the severance of unions, and to unite sinecure situations in the Church of Ireland to the poorer vicarages, or give them to the working clergy. This principle had afterwards been carried out to a greater extent in the Church Temporalities' Bill, by which a portion of the income of the dignitaries of the Church was applied to the general instruction of the people in connexion with the Church. The Government of which he was a Member, on their return to power in 1828, appointed a Commission to see how far the principle of the Bill could beneficially be carried into effect; shortly after the principle was made to apply with reference to two Deaneries—namely, those of Down and Dromore; the revenues of which, 2,000*l.* a-year, were taken and divided amongst the incumbents of twelve different parishes, which had been placed under the superintendance of curates who had then miserable incomes, and by means of this allowance a respectable but moderate income was made up for each of them. Each of these persons also possessed a large Protestant congregation. He contended, however, that more depended on the manner in which the Government distributed the Church patronage than anything else, as affecting the Church of Ireland—he meant, that proper care was taken that the persons appointed to the higher offices in the Church were competent to the proper discharge of the duties they had to perform. He would appeal to the lists of appointments made in the Church during the time he was Secretary to the Marquess of Wellesley, under the Administration of Lord Liverpool, as a proof of the sincere desire of the Government to reform abuses, and to put the Church on a proper footing. His right hon. Friend opposite had reminded the House that when he (Mr. Goulburn) was in office he had repeatedly called on Parliament for large sums for the Irish Church, instead of taking, as the present Government had, a portion of the income of the dignitaries of the Church for that purpose. When his right hon. Friend complained of the sums expended on churches and glebe-houses, he should have objected to the votes at the time they were proposed in that House. He would, however, remind his right hon. Friend that, after the first year of his entering into office, he (Mr. Goulburn) did not propose a grant for the purpose. His right hon. Friend, however, at the time had not indicated the slightest opposition to the grant. Again, his right hon. Friend had found fault with the Vestry Act, the repeal of which he said was called for from one end of the country to the other. That measure was introduced as an Amendment in the room of one proposed by Sir John Newport, and such was the opinion respecting that Bill, as an amendment of the then existing law, that that right hon. Baronet did not oppose it, and there was no division either on its principle or any of its details. The only division that took place on that measure was on an Amendment proposed by his right hon. Friend—namely, a Clause to get rid of the Vestry Cess, and throw it on another fund. This, however, had been opposed, as not coming within the immediate object of the Bill. His right hon. Friend had complained of the purposes made of the Bill; if, however, it had been made a handle to excite political discussion, and to make attacks on the Establishment; that, however, was a charge which could not fairly be brought against the authors of the Bill; or, at any rate, if there was a fault, the Legislature shared it with the framers of the measure. His right hon. Friend had, also, said, that they ought not to consider the Church of England as connected with the Church of Ireland, and read an extract from *Mr. Knox's Remains*, with a view of proving that assertion. He (Mr. Goulburn) admitted that there were differences between the circumstances of the two countries, but he considered that the principles said to be applicable to the Church of Ireland were equally applicable to the Church of England. Therefore, when he considered a measure proposed for adoption with regard to the Church in Ireland, he could not help looking to see how far it was applicable to this country. Now he maintained, that the arguments that would justify the application of many of the most objectionable provisions in this Bill, would equally apply to a measure, with similar provisions, as affecting the Church of England. For instance, the principle of sequestrating the revenues of a parish, and appropriating them to other purposes than the payment of a resident clergyman, where there were not fifty Protestants in a parish, applied equally to the latter Church as to the former. There were some livings in this country to which the objections urged with respect to certain parishes in Ireland could be raised. If hon. Gentlemen would look through the Report of the Ecclesiastical Commissioners, they would find that there were above 100 parishes in England containing less than fifty members of the Church of England, and, if they adopted the present measure, might it not be urged that where there were so few attendants of the Church there should not be a resident clergyman? If that was the principle, on what grounds could they make a distinction between the two countries in those parishes where the circumstances happened to be similar? He must object to a principle which made the superintendence of a minister depend upon the amount of population. This was a question in which the maintenance of religion was deeply involved; and to preserve a belief in the doctrines of the Church it was essential that its ministers should be maintained. It was even more essential in those places where the Protestant population were few than in those where they were more numerous. The Church in Ireland might be regarded as a missionary establishment—an establishment to spread the doctrines of which was most desirable; and, with this view, it was his opinion that these doctrines could be extended with greater efficacy amongst small than amongst large congregations. Besides, the presence of a clergyman was more necessary amongst the few for this purpose; as in the larger communities the number of the population tended to preserve their doctrine. Where the communities were small each individual came under the immediate superintendence of the pastor, and from this circumstance the happiest results must follow. He knew many instances in which the greatest good had been effected under resident ministers in parishes where formerly there were but few members of the Church, but where now there were many attendants at church. And knowing this to be the case, he had taken the trouble to add together the numbers in several columns of the large volume of Reports on the Table, to find what had been the relative increase of Protestants and Catholics in some parts of the country. He had found that where there was even a very limited congregation, a pastor who exercised constant care and watchfulness could effect much by zeal for religion. On referring to the Report he found that in the diocese of Waterford there were 110 parishes. The noble Lord, by his Bill, proposed to sequestrate the incomes of all parishes not containing more than fifty members of the Church. Now, out of the one hundred and ten parishes in this diocese there were only thirty-four the Protestant population of which exceeded fifty. In Clogher, on the contrary, there was not one parish which came under the ban of the noble Lord's Bill. Now, what was the progress of Protestantism in those two dioceses?—and if it was only for this alone the Report was valuable, as it gave the census taken at two different periods, namely, 1831 and 1834. This circumstance gave them an opportunity of judging of the increase between these two periods as to the relative increase of Protestants and Catholics. What, then, were the facts? In Waterford, where there were seventy-six parishes, with less than fifty Protestants, the increase of Roman Catholics was three-and-a-half per cent., whilst the increase of the Protestant population during the same period was no less than thirty per cent. In Clogher, on the contrary, where no single parish had less than fifty Protestant inhabitants, the Roman Catholics had increased in the proportion of three and three-quarters per cent., whilst there was only an increase of three and a quarter per cent., amongst the Protestant population. Did not this single fact show the value of preserving the incumbencies where the Protestant population was less numerous? The means of instruction were, in such cases, more complete; and the House should, therefore, not easily be induced to adopt a principle which would do away with a Ministry that had been found so efficient and valuable. "But," asks the right hon. Gentleman, the Chancellor of the Exchequer, "will you preserve to those whose duties are least large incomes, and deprive those parishes where the duties are onerous of their fair proportion?" This he would say was never contemplated. They were all agreed upon removing whatever was defective in the system; but he would ask in return, would they deprive independent clergymen of those places in which their superintendence had been found productive of so much good? Remedy, he would say, the defects of the one, but do not do away with the good consequences of the other. Look at Carlow. Remedy the deficiencies which exist there. And look to the instance of Carrick, quoted on a former occasion by the hon. and learned Member for Tipperary. Let the House look, also, to the situation of Collon, as instanced by his right hon. Friend (Sir R. Peel). With regard to what had been urged by the right hon. Gentleman (the Chancellor of the Exchequer) relative to this case, and his explanation of the 71st Clause, and the discretionary power of the Lord-Lieutenant, he (Mr. Goulburn) could only say that he found Collon named in the list of the noble Lord. Now, what better authority could they have on such a point than the documents furnished by the noble Lord himself? Out of that union the noble Lord took the produce of two parishes to help in feeding his reserved fund. He would now observe upon what had fallen from the hon. Member for Middlesex. That hon. Member admitted that his right hon. Friend (Sir R. Peel) had proved to demonstration that there could be no surplus, but at the same time the hon. Gentleman said, "I'll prove that there is a surplus." He admitted the ability, as a calculator, of the hon. Member for Middlesex, but he hoped the hon. Gentleman would acquit him of undue partiality in agreeing with the right hon. Baronet that if a fair and rational allowance were made for the advancement of religion and the support of its ministers, there could be no surplus. There could be no surplus if the House adhered to the Resolution which it had already passed. That Resolution pledged the House to provide for the spiritual wants of the Protestants of Ireland, and it had been clearly established that if that pledge were redeemed there could be no surplus. But why, asked the hon. Member for Middlesex, why oppose the Bill if there be no surplus? The answer was furnished by the speech of the hon. Gentleman himself. The hon. Member looked to tranquillize Ireland by the adoption of this measure. Was that the way to tranquillize Ireland—to hold out a hope of pecuniary advantage, which, as there could be no surplus, could only be realised by the extermination of the Protestants. Why, instead of appeasing Ireland, this would only urge her on to the demand of new sacrifices hereafter. Let a surplus first be proved; but let them not hope, by assuming a surplus, that Ireland would be tranquillized, when t discovered that no such surplus existed. On the contrary, if this principle were agreed to there would gradually be demanded greater and greater sacrifices of the Irish Church and the House would be urged on, step by step, and Session after Session to new submissions. They would sink it lower and lower, to more limited and narrower means, until the whole fabric of the Church would be brought to an end. Under this impression, and anxious that the whole measure should undergo deliberate discussion, which, in his opinion, could only be effected by the proposed separation, he would support the proposition of his right hon. Friend, Sir Robert Peel. He could not consent to the proposed sacrifice of independent Ministers, nor agree to a measure calculated to expel from the Church every man of liberal education. He was no advocate of excessive emoluments, but he was of opinion, that those of the clerical profession should bear some adequate and relative proportion to other professions. Why should it be proposed to a young man, desirous of entering the Church, that the minimum of his income should be 150*l.* to 200*l.* and his maximum but 300*l.*, for the Bill gave the power to reduce it to this? Why should such a proposition be made as the whole reward for attainments, learning, piety, and virtue, when the very Bill afforded much higher remuneration to persons of another profession, who would be employed under it in subordinate situations. Such a measure would operate most injuriously upon the whole body of the clergy, and through them upon the Church. He would again say of this Bill, that it ought to be divided, and both parts submitted to separate investigation. He would not detain the House further than to make a single observation on a subject alluded to by the hon. Member for Middlesex. That hon. Gentleman read a letter, he believed from Wolverhampton, respecting Church-rates, and complaining that some settlement of that question had not taken place. But why had that question not been settled? Was it the fault of those who set on his side of the House, or of the hon. Members' who now occupied the Ministerial benches? At the beginning of the Session did not he and those who were associated with him in the Government of his right hon. Friend, express their intention to bring in a measure to settle the question of Church-rates? And, that being the case, why were they to be attacked for not doing that which hon. Members opposite put it out of their power to do? He contended, therefore, that the onus of explanation as to why the measure for settling the question of Church-rates had not been carried, should be given from the opposite, and not from his side of the House. He was, however, dealing now with a very different subject, namely, a Bill deeply affecting the rights of the Protestant Church in Ireland, and he did hope, that the House would not act precipitately, but that they would give to a measure of such vast importance to Ireland—to the Church Establishments he might say, of both countries—that consideration which the subject required, and allow the separation of the two questions which it involved, so that each might undergo full and proper discussion. If they consented to this he was not without the hope that the result would be the adoption of a course which, while it corrected the irregularities of the Irish Church, would tend greatly to promote the advancement of the true interests of the Protestant religion, and thereby confer a signal and a lasting blessing on the people of Ireland.

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* Hansard, (third series) vol. xxi., p. 573.

Mr. *Pusey* said, that as he was about to give a vote in opposition to the motion of the right hon. Baronet, the Member for Tamworth, under whom he had acted in former Parliaments, and under more adverse circumstances, he trusted the House would permit him to trespass upon their patience for a few minutes whilst he explained, as openly and unreservedly as he could, the reasons for the course he intended to pursue. He found by the Report upon the Table of the House, that in one-half of Ireland—namely, the provinces of Connaught and Munster—the number of Roman Catholics was 3,500,000, being not less than the whole population of the kingdom of Portugal, whilst the number of Protestants who were scattered over the same part of the country did not exceed 150,000, being not equal to the population of Liverpool. Thus, there was a kingdom of Catholics on the one hand, and a town of Protestants on the other. He did not mean to say, that the principle of population was that upon which alone the question of a Church Establishment was to be decided, yet it certainly was an element in the consideration of that Question, and it appeared to him impossible to deny, that in the part of Ireland to which he had referred, it was approaching a point at which it must be taken into consideration. It was painful, no doubt, for a member of the Church to enlarge on its defects and abuses; but in these times it was in vain to shut one's eyes against them. It was to be lamented that they had so long been permitted to exist. With permission of the House he would state a few facts from the Report, illustrative of the present state of some of the benefices in the south of Ireland. The hon. Member then read the following statement, showing the amount of the Protestant population, &c., in four dioceses:—

| | Protestants. | Families. | Parishes. | Churches. | Incumbents | Parsonage Houses. |
|---|---|---|---|---|---|---|
| Kilfenora.... | 235 | 47 | 19 | 3 | 4 | 3 |
| Emly ...... | 1,246 | 249 | 44 | 10 | 7 | 9 |
| Kilmacduagh. | 656 | 131 | 21 | 4 | 2 | 4 |
| Waterford ... | 5,301 | * | 33 | 9 | 5 | 3 |
| | 7,438 | | 117 | 26 | 18 | 19 |

He might be told, that those benefic t had been consolidated, but he could no forget, that when the noble Lord, the Member for Lancashire, brought forward the salutary measure under which that had been effected, the same cry of sacrilege was raised by a portion of the public press, which was heard upon the present occasion. He feared that if the Church should be injured, the blame would rest upon the heads of Protestants, who had for centuries allowed the revenues of the Church to be diverted to selfish and jobbing purposes, rather than upon the heads of those who proposed, after providing for the spiritual wants of Protestants in Ireland, to appropriate the surplus which remained to purposes of general education. It had been stated by a portion of the public press, that the Bill unchristianized 879 parishes in Ireland. He turned to the list of the parishes to be unchristianized, and how many of them did the House suppose he found to be without churches, parsonage-houses, resident incumbents, and, with very few exceptions (not more than 11 or 12) without the performance of divine service, or even a Protestant population? No less than 704. He would next advert to the assertion that the provisions of the Bill would destroy Protestantism in Ireland. There were at present in Ireland 1,385 benefices, which by the working of the Bill would be reduced by 177, leaving 1,200 as the number to be allowed to exist in future. It should be recollected, however, that though there were 1,385 benefices, there were but 889 resident incumbents. Now the Bill enforced residence, and therefore there would in future be 1,200 resident incumbents, being upwards of 300 more than the present number, or an increase of 35 per cent. For his part, he thought that if it were possible to put the Bill into operation immediately, it would be the best thing that could be done. Although he had noticed the vast preponderance of the Roman Catholic population, and the wretched state of the Church Establishment in one part of Ireland, he could not disguise from himself the danger which must attend the breaking down of the principle of the inviolability of Church property. He would infinitely prefer applying the surplus to building churches where they were wanted, for Protestants in Ireland, to the appropriation to which it was destined by the Bill; but when he looked at the vast Roman Catholic population in Ireland,—when he remembered that it was through the beneficence of their ancestors that the local trusts were founded for the benefit of parishes, he could not be surprised that that population should advance a claim to derive some benefit from those funds. The question was, what ought to be done under existing circumstances? The Protestants of course wished to retain the funds for the benefit of their own establishment, and the Roman Catholics not unnaturally, laid claim to a large portion of them. He looked upon the Bill as an award made by his Majesty's Government between the two parties; and although he was opposed to the general politics of the Government, he must say, that he thought it was a fair award. The boon which the Bill offered to the Protestants was accompanied with a condition in favour of the Catholics. He would venture to remind the right hon. Baronet, because it bore upon the question of the propriety of dividing the Bill, that when he, so much to his honour, proposed the emancipation of the Roman Catholics, he accompanied that boon with the condition that the 40*s*. freeholders should be disfranchised. So in the present case, the boon to the Protestants, which consisted in securing the tithe property to them, was accompanied with a condition in favour of the Roman Catholics. It was unnecessary for him to trespass longer on the attention of the House. However it might pain him to be separated for an instant from the party with which he had heretofore acted, and whatever distrust of him it might produce amongst the members of the Church to whom he owed his seat in that House, he felt bound to declare that if the vote which he was about to give were to be the last he should give in that House, he considered the sacrifice due to his political opponents, who, he thought, were consulting the best interests of the Church, by not exposing the Question to further agitation. If the Question should be settled now, he believed that in two years it would be almost forgotten that tithes had ever been paid in Ireland; but if the measure should fail, the clergy would be left in a state of utter destitution. In conclusion he declared that whatever might be the consequence to himself, he would discharge what he conceived to be his duty by opposing the Motion of the right hon. Baronet.

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* Collected in a few parishes.

Sir *James Graham* said, he was not surprised at the satisfaction which the House had expressed on hearing the speech of the hon. Gentleman who had just sat down. Though he differed decidedly from the hon. Member, still he was bound to say that he had delivered his sentiments like an independent English gentleman, and having changed his opinions, did not hesitate in a fair, open, and manly way, to avow that he had changed them.

It was impossible that he should once again address that House on this very painful subject, without referring to what had fallen from the noble Lord, the Secretary for Ireland, when he introduced the measure now before the House. The noble Lord concluded his able address by stating, that if in his conscience, he did not believe that the interests of the Protestant religion would be maintained by the present Bill, no man would rejoice more than he should if it were defeated. Respecting, as he did, the noble Lord's statements and character—respecting, as he did, his private virtue and public principles, he could not hear such a declaration from him without carefully reconsidering all the opinions which he himself had formed on the subject, and without reviewing the conduct which he had thought proper to pursue. And if such reconsideration and review had brought him to a conclusion similar to that which had been stated by the hon. Member for Berkshire, nothing that had passed, no opinions that he had before expressed, would prevent him from coming forward and avowing to the House, that under all the circumstances of the case he was prepared to make that compromise on the subject which the hon. Member for Middlesex had so strenuously and strongly recommended. But he was bound to say, that so far from his opinion having been changed, his retrospection had led him to the conclusion that all the evil forebodings he had expressed when the abstract resolution on which this Bill was founded was under the consideration of the House, had been more than realized—he felt more than ever certain, that all the evils he had expected would inevitably flow from the measure under consideration.

In the first place, he had a remark to make on what had fallen from the hon. Member for Berkshire (Mr. Pusey) who had just sat down. The argument on which he principally founded his approbation of the present Bill was the insufficient number of the resident clergy, the insufficient number of the parsonage houses, and the inadequate provision for the scattered population of the Protestants of Ireland.

Mr. *Pusey* begged to explain, that what he said was, that owing to the minute number of the Protestants in certain districts, no churches could exist there to any good purpose; therefore, it was not desirable to build any.

Sir *James Graham* said, that the question whether churches could or could not exist advantageously in such districts under such circumstances, involves the question which should be the religion favored by the State in Ireland and the maintenance of the Establishment was the great principle for which they were now contending. But he would deal for the present with the hon. Member's substantive objection, viz., the insufficiency of the resident clergy, and the insufficiency of the glebe-houses; and he would put it to the hon. Member for Berkshire, and urge this consideration upon him, that the present Bill, to which he was now disposed to give his assent, struck at the very root of a measure which was intended to supply, and which could not fail to supply, a sufficient remedy for the evil which he pointed out. The measure to which he alluded was the Irish Church Temporalities' Act, a measure to which several of the hon. Gentlemen who sat on the other side of the House were parties when it was introduced, and which he supposed, till they introduced the present Bill, they were prepared in common consistency to maintain. The main provisions of the present Bill, however, would have the effect of destroying the fund which was to be made available by the former Bill to remedy the very defects of which the hon. Member for Berkshire complained. In fact, the measure now under discussion was a virtual repeal of the Church Temporalities' Act. Now, what were the sources from which the funds were to be derived that were to supply the Ecclesiastical purposes which the Church Temporalities' Act was destined to perform? There were only three that he would enumerate. First, there was the amount arising from the revenues of those livings the appointment to which on the next avoidance was to be suspended in conformity with the Act. Under the Act, that fund was to be carried to the credit of the Ecclesiastical Commissioners; but by this Bill it was to be taken from them, and to go to the reserve fund, and the right was given, if an overplus was found to exist, to appropriate it to secular purposes, which however disguised was the final destination of the reserve fund. The next provision to which he should advert was more peculiarly applicable to the purposes to which the hon. Member for Berkshire referred. It was that all those funds which were appropriated to livings attached to certain dignities in the Irish Church, as they became vacant, were to be applied, first to the augmentation of the small livings, and were afterwards to go to the Ecclesiastical Fund to be applied to strictly Ecclesiastical purposes, such as the building and repair of Churches. Here again was an alteration. These funds, under the present Bill, were no longer to go to Ecclesiastical purposes, but were to go to the reserve fund. Then there was the perpetuity fund, already most heavily charged—that fund was to be charged five per cent. additional under this Bill. The result was, that this Bill, which went to destroy the Act by which provision was made for the augmentation of small livings, and for building glebe-houses and churches, was to receive the support of the hon. Member for Berkshire, though at the same time he was complaining of the deficiency that even now existed. The hon. Member had also addressed himself to a point of form; he had objected to the division of the Bill as proposed by the right hon. Baronet, the Member for Tamworth, and illustrated his argument by a reference to what took place on the introduction of the Roman Catholic Relief Bill. He trusted the hon. Gentleman would excuse him for saying that he did not think a more unhappy illustration could by possibility have been adduced. What was the course pursued by the right hon. Baronet on that occasion? It was admitted by him that the two measures, the Roman Catholic Relief Bill and the Forty-shilling Freeholders' Disfranchisement Bill were more or less connected; but he did not say that they were connected so intimately that he thought it safe to embody them into one Bill. What, he again asked, was the course taken by the right hon. Baronet? Did he not, acting in perfect candour, and pursuing that course which he called on the Government in this case also to pursue, so far from endeavouring to bind them together, so that they must both be taken or both be rejected—did he not introduce them as separate Bills? He gave distinct notice to the House that it was the policy of the Government that both measures should pass, but he afforded the opportunity of voting for one and rejecting the other. He had a clear recollection that the measures were introduced as two separate measures. The right hon. Gentleman certainly begged it to be understood to be the policy of the Government that both should pass as nearly simultaneously as possible; but that for which he was now contending was that, the two Bills were not bound indissolubly together, and that the opportunity was given of dissenting from either.

In the next place he wished to make a few observations on the speech of the hon. Member for Middlesex, and he thanked the hon. Member for the plain, manly, and direct manner in which he had declared his intentions and opinions on the present occasion. He thought that some of the mists and obscurity which hung about the measure had been dispelled by the clear light of truth reflected on it by the hon. Member for Middlesex. He doubted, indeed, whether the hon. Member for Berkshire could have been present, and could have heard the speech of that hon. Gentleman; but it appeared that he must have heard the nimble and adroit speech of his right hon. Friend, the Chancellor of the Exchequer, addressed to the House last night. His right hon. Friend declared, that it was now necessary, once and for ever, to settle this question; to look at it with reference to principle, and not as a matter of detail. So said the hon. Member for Berkshire. The hon. Member for Middlesex, however, had treated it as a pounds, shillings, and pence question, and had gone into those very details, for entering upon which the right hon. Baronet, the Member for Tamworth, was taunted by his right hon. Friend, the Chancellor of the Exchequer, who, strange to say, declared that he would not, on that occasion, condescend to grapple with such minutiæ. On some future occasion, however, they were to have the answer of his right hon. Friend to the admirable argument of the right hon. Baronet, who limited himself almost entirely to the pounds, shillings, and pence, a view which the right hon. the Chancellor of the Exchequer said, he need not condescend to notice. But the hon. Member for Middlesex, adopting the pounds, shillings, and pence language, in which he delighted to revel, when he came to comment on the request of the right hon. the Chancellor of the Exchequer to settle the Tithe Question by passing this Bill, admitted to the House that he did not consider it a final or satisfactory measure; he offered, however, to take it as an instalment, though he would not give a release, and he even avowed, that he could only receive it as a payment of *3s. 6d.* in the pound. The hon. Member for Middlesex was still more explicit. The right hon. Baronet had pointed out many deficiencies in the measure; these the hon. Member said he was aware of, and he never had considered the Bill itself as at all satisfactory. He then added, that he had a plan of his own, which was to abolish every parochial Division now existing in Ireland; he would change the system entirely, and adopt a new one—he would make the clergy altogether stipendiary—he would break up and re-arrange the whole establishment on a spick-and-span new plan of his own—the long established system he considered entirely inapplicable to the present times, and indeed completely worn out—the ancient boundaries and land-marks were not worth preserving. Where, then, it might be asked, was this final settlement? Once and for ever they were called on to settle this question; but where was the peace they promised? The right hon. the Chancellor of the Exchequer said, his watchword was peace—but there was no peace. He was convinced, that this measure, which it was said, would carry peace to Ireland, would carry a sword. The hon. Member for Middlesex declared, that they were not the real friends of the Church who fought this battle desperately; but he would reply that they were false friends indeed who would ask the enemy to assist in repairing abuses, and allow them to alter the system itself under the pretence of supplying its deficiencies. Let them hunt this question as they would through all its shifts and turns and winds and doubles, and they would come at last to the point on which they really differed, and that was, what should be the favoured religion of the State in Ireland? and when they decided that the Protestant should be the Established Creed, what was necessary to give effect to that decision? Clear it was—they might dissemble it as they would—and clear it would be, whatever their attempts at concealment, that this measure, or rather that portion of it which was founded on the Resolution passed, in the early part of this Session, was an attack on the great principle of an Established Church. The hon. Member for Middlesex illustrated the truth of what he was now putting to them. He quoted the case of Scotland, and a better case could not be selected. It gladdened him to hear those observations from the hon. Gentleman, because that was a point with respect to which he most cordially agreed with him. That hon. Member represented that the Established Church of Scotland was a perfect model—there they would find residence — there the clergy were not scantily, not prodigally, but comfortably provided for. The hon. Gentleman went on to say, he was willing that every clergyman in Ireland, resident in a parish with a congregation, should have 300*l.* a year. Now that was exactly the argument put by the right hon. Baronet. He proposed, that they should make this single concession, and then they might for the present, waive a discussion of the details of the measure of the noble Lord. He argued thus—admitting that there were 1,385 benefices, if there were 246 in which the number of Protestants were less than fifty; and, for the sake of this part of the argument, he struck off the 246 on account of this deficiency in the amount of the congregation, there would then remain 1,139, where, according to the plan of the Government there would be a sufficient congregation, and where there would be a clergyman constantly residing. Let them next carry the principle of the hon. Member into effect and give to each of those resident clergymen 300*l.* a-year, and at once the whole question of surplus vanished. They might thus carry the Bill without the resolution. Let them admit the principle as regarded the 1,139 benefices, and so far from their being a surplus, it was as clear as that two and two make four that there would be an absolute deficiency.

It was next necessary for him to advert to one or two facts stated by the rt. hon. the Chancellor of the Exchequer last evening. Though the right hon. Gentleman said he would not deal with figures, and touched them as if they were hot irons, yet he did burn his fingers with them a little. He said that there were forty-one benefices without Protestants. Now, in candour, his right hon. Friend should not have omitted the statement, that if there were forty-one benefices without Protestants, there were sixty-four benefices which paid no tithes whatever. There were forty-seven without any provision for the cure of souls, and seventeen inappropriate. He repeated, that there were sixty-four benefices, one-fourth of the whole number, containing less than fifty Protestants in which there was no Ecclesiastical tithe. The right hon. the Chancellor of the Exchequer said that a new light had broken in upon those who opposed the measure—that they were now quite enamoured of the Commission and its Report. He must say, in reply to this, that he did not understand the right hon. Baronet to express any approbation of the principles on which the Commission was appointed; but that the Report was most useful could not be denied, because it disposed of many of the gross delusions which had existed respecting the amount of parochial tithes. But whatever might be the opinion of the right hon. Baronet, the Member for Tamworth, he had not in the least changed the opinion which he had before entertained of the great danger of the principle on which the Commission was issued. He repeated, that if he felt objections to the latent principle which it was clear to him it contained, those objections had been confirmed an hundred-fold by the measure which was now founded upon it. The principle to which he alluded, was that of numerical proportions, which clearly were made the groundwork for the decision of the question whether from a parish, in which there shall be less than some given number of persons professing the Established religion, the Minister of the Established Church shall be withdrawn or not. That principle, he contended, was fatal to the existence of any Church Establishment. He contended, moreover, that if it were a sound principle, its application could not possibly be confined to Ireland, and that five years would not roll over their heads before its extension to England would be pressed on them with irresistible force: and he himself would frankly say, that if he were called on to sacrifice the principle of an Established Church at all, by yielding to the principle of numerical proportions, he would rather sacrifice it to the Protestant Dissenters in this country, than to the Roman Catholics of Ireland. The principle, however, as originally enunciated, had been limited to the question of whether or not there should be a minister of the Established Church in certain parishes; but such was the rapid progress of noxious principles when once admitted, and so much had they already extended, that that principle was already applied to the amount of revenue to be paid to the minister, even when he was to be retained; for it was distinctly with reference to the question of what was the true number of the congregation to which spiritual duties were to be administered, that the amount of all the revenues of all the livings after the next avoidances, was to be determined. That principle, too, if admitted for Ireland, could not fail to be extended hereafter to England, inasmuch as it was one which, if sound, must be of universal application; and much as he objected to its application to Ireland, his objections were redoubled by his seeing the inevitable consequences with which is was fraught to the Church of his own country. It had been asked by his right hon. Friend, the Chancellor of the Exchequer, was it not absurd to levy the revenues of Cashel and Tuam, where there were few Protestants and many Catholics, and with them supply certain Ecclesiastical purposes which might be necessary in the provinces of Dublin and Armagh? He would answer that question, by asking the noble Lord, the Secretary of State for the Home Department, whether he had avoided the very same absurdity under the very provisions of the present Bill? Was it not indeed certain that he would levy from the rich Protestant parishes in the diocese of Armagh, under the title of the Reserve Fund the revenues to be expended in the education of Catholics in the south of Ireland. A question had been put to the noble Lord by his noble Friend, the Member for North Lancashire (Lord Stanley) when the principle of appropriation had been discussed in the shape of the abstract resolution, to this effect:—" Suppose a surplus to be admitted, how do you mean to appropriate it" (and the question had been put as presenting somewhat of a dilemma)? " Do you mean where there shall be a surplus according to your rule in any parish, to apply it to the education of the population of that particular parish? or do you mean, in order to render the measure more acceptable to the whole population of Ireland, to levy funds from the various parishes, and to expend them in remote parts of the country? If you say that you will expend them locally, you will be driven into the greatest absurdity in some cases, where the funds to be applied to education may be so large as by surfeit to defeat your purpose; if you expend them in a distant district, what will become of your measure of peace? Wherein will be the satisfaction to the confiscated parish, which contributes a large sum, not to be expended within its own limits, but to be enjoyed by some distant non-confiscated parish?" To these representations the noble Lord had, at the time when they were made, given no definite answer; but how had he left the case in the Bill now before them? He had left it just as vague as that most vague of all resolutions on which the Bill was founded.

His hon. Friend the Member for Nottinghamshire (Mr. Evelyn Denison) had asked what had been gained by the rejection of the Bill of last year. He had asked the question rather triumphantly, and had been cheered accordingly. He would answer his hon. Friend, that a great deal had been gained by it, even if those who were desirous of resisting the new appropriation should fail in their endeavours. It had been proposed by the measure of last year to take permanently from the Irish Church forty per cent. of its property; under the present Bill only thirty per cent. was to be taken, so that there was at once a gain of ten per cent. But had nothing else been gained? He called on the hon. Member for Middlesex to join with him in congratulations to the people of England that it had been rejected. Last year it had been proposed to transfer the ten per cent. which was now saved by the present Bill to the pockets of the Irish landlords, and to call upon the people of England to pay twenty per cent. during the lives of the present incumbents out of the taxation of England. It had been always argued that the striking and flagrant injustice of the Church Establishment in Ireland arose from the circumstance of payment for the maintenance of that Church being made by the great bulk of the community, which is composed of Catholics. He contended that that was a gross fallacy. He absolutely denied that tithes were paid by the husbandman, by the labourer, by the occupier: he contended, on the contrary, that they were a tax on property, and were paid by the owners of it. He would read on this subject, a few words, written by one now no more, but who was gifted with a remarkably clear understanding—who grasped strongly every subject which he touched, and who rendered it intelligible to all whom he addressed—he meant the late Mr. Cobbett, who had expressed himself so late as 1834 as follows:—"The elergy are not paid by the people any more than the landowners are. The tithes are as much their property as rent is the property of the landlord: the right of the former can no more be destroyed than the title of the latter; and why the clergyman should receive as pay what the landlord demands as his own I cannot conceive. The tithes do not belong to the husbandman, they never can be his. It has been the fashion of late years to talk of abolishing tithes. Those who have land would do well to consider how they would relish the abolition of rent, for they must rest assured that the latter will never be far from the former. Those who would make a law for abolishing tithes would not wish to have another for abolishing rent; but they would soon find a set of legislators to do it for them." This was a very shrewd and pertinent observation, which it was not inexpedient that landlords should bear in mind. His right hon. Friend, the Chancellor of the Exchequer, had quoted the authority of a Mr. Knox, to show that the connexion of the Church of Ireland with that of England formed no necessary part of the Union. He had not been aware that that person was so high an authority as the right hon. Gentleman seemed to regard him; but, however high an authority he might be, he would appeal from him to the authority of a Catholic eminent for his learning, and now occupying a high station, and favoured by the Government—he alluded to Mr. Blake. In 1828, that gentleman had been asked whether he thought the Catholic Relief Bill would be injurious to the Protestant Church Establishment in Ireland? and his answer was, "I do not think that it would be; if I did, nothing should induce me to support it, for I am of opinion that the Church Establishment is a strong link in the chain which binds England to Ireland; and that connexion is, in my opinion, indispensable to the safety and happiness of both." What was the opinion of Lord Plunkett, the Lord Chancellor of Ireland? It was still more explicit. He did not pretend to quote the exact words, but the sense of what the noble Lord had said was too well impressed on his memory to allow him to misrepresent it. The noble Lord had said in effect, that if ever, in an unhappy moment, they rashly laid hands on the property of the Protestant Church in Ireland, to rob it of its rights, they would seal the doom of, and destroy the connexion between, the two countries; from that moment their connexion could no longer survive. He did not think that it was sound argument to compare the circumstances of the Church in England with the circumstances of the Church in Ireland; because if there did exist that great disparity of numbers which appeared to be clearly established, he might still contend, that the circumstances of the payment in England were quite as different from those of the payment in Ireland as were the relative proportions of the professors of the Established religion in the two countries. He held in his hand a Return from twenty-three parishes in the diocese of Kilmore, which he had every reason to believe accurate, inasmuch as it was signed by the clergymen of the different parishes, and had been some time uncontradicted, before the public. From that it appeared that the gross number of acres paying tithe in these parishes, was 363,832, and the gross amount of tithe composition levied upon them was 8,629*l.* Of that number of acres what proportion did the House believe to be the property of Protestant chief landlords? No fewer than 357,234, only 6,578 acres being held by Catholic chief landlords. What was the proportion of the payment? Of the gross sum of 8,629*l.*, the composition paid by Protestant chief landlords was 7,921*l.*; and that paid by the Catholic chief landlords was only 147*l.* The average rate of composition for the whole was exactly 5¼*d.* per acre. The amount contributed by the Catholic was a quarter of a farthing per acre. If the average rental were taken at 8*s.* 9*d.* per acre, and the average produce at 1*l.* 6*s.* per acre, the tithe in those twenty-three parishes would be one-twentieth of the rent, or one-sixtieth of the produce. The tithe was to the rent as one to twenty; and rent being to the produce in the proportion of one to three, the tithe was to the produce as one to sixty. He begged the noble Lord to recall to his recollection what had been the wish expressed by his former constituents in Devonshire. They desired, that there should be a commutation of tithe in England on the principle of approximating it to rent, and they had petitioned, that tithe should be to rent in the proportion of one to ten. In Ireland, however, tithe was to rent as one to twenty; in England it was as one to three. In Ireland, also, tithe was to produce as one to sixty; in England it was as one to ten. He contended, therefore, that whatever disparity might exist between the proportions of those professing the Established religion in the two countries; the difference in the payment was greater still than that disparity. He had already said, that he was satisfied that the present was not a measure which would give peace to Ireland. He well remembered that when the enumeration of the people of Ireland by religious classes was first called for, the hon. and learned Member for Dublin gave a distinct warning to the Government, that it was a most dangerous process so to range a whole population, in classes, according to their different religions. He himself would say, that though the first enumeration might not have produced that effect, yet that the fatal danger was to be traced in the measure now before the House. The right hon. Gentleman opposite tried to escape, by saying the measure was purely retrospective. He absolutely denied that such was the case. The measure was, indeed, only retrospective in the first instance; but where a suspension had once been effected, a power was given to the Government, if circumstances should be so altered as to afford a sufficient inducement, to remove that suspension, and to restore the resident minister who had been removed under the operation of the Bill. From that moment, however, the measure became prospective; it gave an irresistible stimulus to the Protestant landlord, who disapproved of the withdrawal of the minister to increase the number of the Protestant population, and it gave to the Catholic landlord, if he rejoiced in the absence of that Protestant minister, a decided interest in using all the means in his power to prevent his restoration. All these dangers and feuds which the hon. and learned Gentleman anticipated from the original enumeration, he anticipated from the present Bill. If its promoters were sincere in their wish to give effect to the Church Temporalities' Act, their assent to the measure now before the House was astonishing. He alluded more particularly to those with whom it had been formerly his fortune to act as a colleague, and who had been parties to the introduction of the Church Temporalities' Act. The right hon. Baronet, the Member for Tamworth, had referred to two passages in the speeches of Lords Grey and Lansdowne; wherein those noble Lords, advocating his adoption of that measure, most strenuously urged on the Legislature the necessity of making an immediate and large provision for the augmentation of smaller livings in Ireland, and for the building of glebe-houses. He might here further observe, that when the Legislature passed that Act they did stamp, as far as possible, their decided judgment as to what ought to be the amount of the income of each benefice in Ireland; for the provisions of that Bill were, that no living under 300*l.* a year should be taxed, and that livings under 200*l.* a year should be augmented. Moreover, as if to render the point clear beyond doubt, the 106th Clause was inserted, providing that the Ecclesiastical Commissioners might dissolve unions of parishes, with this remarkable proviso, "that the annual value of any such parish so divided as aforesaid, shall not by such division in any case be reduced below the sum of 300*l.*" He would, having observed thus much, now refer to what had been said by Lord Grey two years ago—since which period no money had been expended in the building of glebe houses:—"The sum of 10,000*l.* a year," said that noble Earl, "to be applied to the erection of glebe houses, is a very necessary expenditure, inasmuch as not one-half of the benefices of Ireland are provided with glebe houses." That was the very objection taken by the hon. Member for Berkshire: the Church Temporalities' Act had had for one of its objects the supply of that very insufficiency, and the Bill now on the Table would have the effect of virtually repealing that Act. He knew, indeed, that it was contended that it would be most improvident to build churches and glebe houses in parishes containing only a small number of Protestants. He had before endeavoured to convey to the House a knowledge of what he conceived to be the grand view of an established religion, namely, that every one professing it, whether he be a member of a large or of a small community, should have a facility of public worship, according to the forms of that religion, within a reasonable distance of his own residence. A departure from that view would, in his opinion, be fatal to the principle of an Established Church. On what principle did the Roman Catholic Church act? That Church, whose members prescribe to those of the Established Church the doctrine that unless there exist a numerous congregation, calling for a large supply of spiritual assistance, a resident Minister should not be continued. He knew from his own personal experience, that in many cases Catholic chapels had been built, and Ministers appointed in places where the congregation was exceedingly small. The maintenance by the Legislature of a favoured religion was neither more nor less than the imposition of a tax. It was surely needless to argue that if there was to be a favoured religion, the state should decide what that religion should be. This brought him to the question, should the Protestant religion remain the established religion of this United Kingdom. He entirely agreed with the right hon. Member for Tamworth that the Bill before them did infinitely too much or too little. It did too much, as involving a great violation of principle, without effecting any great object; and it did too little—it was indeed as a mere speck in the horizon—if regarded as a means of compounding the differences unhappily existing throughout Ireland. Were a person to tell him that the Catholic religion ought to be established in Ireland—that the property of the Protestant Church should, in the hope of satisfying the great body of the people, be transferred from the support of that Church to the maintenance of a religion professed by the body of the people, he could understand the meaning of such a proposal; but when a person told him that he was in favour of the Protestant Church, and yet endeavoured to cut down its means—to destroy the very root, the natural means of propagating it, and increasing its utility—he was bound to credit the candour of such a person, but he must say, that it was at the expense of his understanding. To lose sight of the national character of an established religion, to exterminate it in some large districts, and to confine it within the narrowest limits in those in which it was retained, did not appear to him to be consistent with a wish that it should prosper. The more natural course, indeed, for a person sincerely entertaining that wish, would be to devise means whereby the efforts of its ministers might be seconded, and their influence rendered of more avail. He was not for pushing any vain scheme of proselytism in Ireland; but at the same time he was desirous of giving the Protestant religion a fair chance of spreading, and he certainly joined with his right hon. Friend, the Chancellor of the Exchequer, in congratulating this Protestant country—and England more especially—that notwithstanding all the numerous disadvantages under which it has recently laboured, the Protestant religion has been gaining ground in Ireland. He could conceive means of aiding its further extension by employing catechists and schoolmasters speaking the Irish language, and professing the Protestant religion, to impart instruction in its principles, to the young among the most ignorant of the population of Ireland. He would mention another mode of contributing to religious peace in Ireland. He had cordially supported Sir John Newport and his right hon. Friend through many years of opposition in their efforts to effect a removal of the Vestry-cess; and it certainly was to him a source of pride and joy that he had been a Member of the Government by which it was at length removed. There was an impost, however, still remaining, which was quite analogous to Vestry-cess, and which might be with equal propriety remitted—he meant the Ministers' money which was levied in towns to the amount of about 12,000*l.* a-year. If this Bill were to pass, he was quite sure, that before three years had elapsed, there would be a cry raised for its removal, much stronger than was ever heard against Vestry-cess or against tithe. The hon. and learned Member for Dublin, when once contrasting the Catholic Church in Ireland with the Protestant Church, rejoiced that his Church at least, was not tainted with the mammon of gold—alluding, he supposed, to the poverty of the Roman Catholic clergymen in his own country. But how stood the fact? He shrewdly suspected, that the parochial clergy of the Roman Catholic Church in Ireland were in the receipt of very large incomes. He had been present at a Committee the other day, when it was distinctly stated that at Clonmel, the annual receipt of the parish priest was 1,000*l.*; and yet they were now debating the propriety of fixing the *maximum* of the livings in the Protestant Church at 300*l.* If they retained a Church Establishment for Ireland, it was absolutely necessary that they should place its Ministers above poverty, dependence, and degradation. He had been asked by the right hon. Member for Tipperary as one living in the neighbourhood of Scotland, what his Scotch neighbours said on this subject: and he had the means of satisfactorily answering the question. He lived on the borders of the county next to Scotland, at the south western extremity of Scotland; and within the last six weeks, the Synod of that neighbourhood, it was called the Synod of Dumfries, had assembled, and come to the Resolution of sending an Address to his Majesty, which he had had the honour of placing in his Majesty's hands. It was to this effect:—“We consider any attempt to interfere with the integrity of the Protestant established religion, by appropriating the revenues of the Reformed Church to any other purpose than the maintenance of the Ministers, and the due dispensation of her ordinances among the people, and the support of truly Protestant education, as a violation of the fundamental laws of the Constitution, as dissolving the bond of allegiance between your Majesty and your subjects, as an act of injustice to the whole community of Protestants, in whose birthright is included the maintenance of their religion, as tending to destroy all confidence in the security of every description of property, and as encouraging the machinations of those reckless men who are pursuing a course which, if the testimony of history may be believed, will lead to general confiscation and robbery. We beg leave humbly to offer our hearty thanks for your Majesty's most gracious expression of regard and affection towards that portion of the Protestant Established Church, to which we belong; and your royal solicitude for its extension and welfare, which in our humble opinion, would be put in imminent danger by the recognition of the principle publicly avowed in reference to the Protestant Established Church in Ireland.” That was his answer to the question which had been put to him by the hon. and learned Member for Tipperary, as to what his neighbours on the opposite side of the border said on this question. But he might be told, that those who took the same line of argument as he did, had embarked in a hopeless struggle—that all their efforts were in vain, and that whatever might be thought of the principles on which the question was settled, it was, at all events, practically set at rest, and that all further resistance was unavailing. Now, he did not hesitate to avow, that while he continued to take a humble part in public affairs, he would never yield to any argument of that description. When great public principles were at stake, he did not think that the community had any chance of a fair decision, if those who, in their judgment and consciences, believed that the principles were sound and defensible, were induced to abandon the defence of them, not from conviction, but from gloomy forebodings as to the consequences to which firm and honest adherence might lead. He did not wish to argue this question on personal grounds; he had confined himself to the maintenance of those principles which he felt bound to defend, without dwelling in the slightest degree upon topics which involved purely personal considerations. The hon. Member for Middlesex had reminded the House that the storm ran high. He would reply to that observation by saying, that when the storm runs highest you must steer by compass. And what was the compass of public men? It was not, he maintained, vague notions of expediency: it was a firm adherence to great first principles, which it would be dangerous to compromise, and unmanly to desert. He would assure the House that he was most unwilling to occupy their time by reading long passages to them; but there was one passage which bore on this question so strongly, and which was fraught with so much wisdom and instruction, that although he feared he had exhausted their patience, he trusted that they would extend to him a further share of their indulgence whilst he ventured to read it to them. It referred to a melancholy passage in the history of this country, when a question arose on a principle somewhat analogous to that now under discussion—he meant the expulsion of the Bishops from the House of Lords. The monarch who reigned over this kingdom at the period to which he referred, was Charles the 1st., who had already consented to put Lord Strafford to death—with what reluctance and qualms of conscience it was then unnecessary for him to state. The next measure which was pressed on him was the expulsion of the Bishops from the House of Lords, and he was induced, in opposition to the stern dictates of conscience, to submit to the necessity which he was led to suppose the danger of his situation imposed on him. Now, he begged the attention of the House to the arguments which were urged on that unhappy Prince to induce him to adopt a measure, to which his judgment and feelings were opposed, as well as the remarks which Lord Clarendon made upon the subject. These arguments, too, he begged the House to recollect, were not advanced by false advisers, but by honest Ministers who erred in judgment. With these remarks he would submit to them the observations of Clarendon which ran thus:—" Now the Bill for taking away the votes of Bishops out of the House of Peers, which was called a Bill for taking away all temporal jurisdiction from those in holy orders, had no sooner passed the House of Peers, than the King was earnestly desired ' to give his royal assent to it.' The King returned, ' that it was a matter of great concernment, and therefore he would take time to advise, and would return an answer in convenient time.' But this delay pleased not their appetite; they could not attempt their perfect reformation in Church and State till those votes were utterly abolished; therefore they sent the same day to the King, who was yet at Windsor, and gave him reasons to persuade him immediately to consent to it, one of which was ' the grievances the subjects suffered by the Bishops exercising of temporal jurisdiction, and their making a party in the Lords' House:' a second, ' the great content of all sorts by the happy conjunction of both Houses in their absence;' and a third, ' that the passing of that Bill would be a comfortable pledge of his Majesty's gracious assent to the future remedies of those evils which were to be presented to him, this once being passed.' Reasons sufficient to have converted him, if he had the least inclination or propensity to have concurred with them. For it was, upon the matter, to persuade him to join with them in this, because that being done, he should be able to deny them nothing. However, those of the greatest trust about the King, and who were very faithful to his service, though in this particular exceedingly deceived in their judgments, and not sufficiently acquainted with the constitution of the kingdom, persuaded him " that the passing of this Bill was the only way to preserve the Church, there being so united a combination in this particular, that he would not be able to withstand it. Whereas, by the passing of this Bill, so many persons in both Houses would be fully satisfied, that they would join in no further alteration; but, on the other hand, if they were crossed in this, they would violently endeavour an extirpation of Bishops, and a demolishing of the whole fabric of the Church.' " " They alleged ' that he was upon the matter, deprived of their votes already, they being not suffered to come to the House, and the major part in prison under an accusation of high treason, of which there was not like to be any reformation, till these present distempers were composed; and then that by his power, and the memory of the indirect means that had been used against them, it would be easier to bring them in again, than to keep them in now.' They told him ' there were two matters of great importance pressed upon him for his royal assent, but they were not of equal consequence and concernment to his sovereign power: the first, that Bill touching the Bishops' votes; the other, ' the whole militia of the kingdom, the granting of which would absolutely divest him of all regal power, that he would not be able to deny both; but by granting the former, in which he parted with no matter of moment, he would, it may be, not be pressed in the second; or if he were, that as he could not have a more popular quarrel to take up arms than to defend himself and to preserve that power in his hands which the law had vested in him, and without which he could not be a King; so he could not have a more unpopular argument for that contention than the preservation of the Bishops in the House of Peers, which few men thought essential, and most men believed prejudicial, to the peace and happiness of the kingdom.'" "The passing that Bill for taking away the Bishops' votes exceedingly weakened the King's party, not only as it swept away so considerable a number out of the House of Peers, which were constantly devoted to him but as it made impression on others whose minds were in suspense, as when foundations are shaken. Besides, they that were best acquainted with the King's nature, opinions, and resolutions, had reason to believe that no exigence could have wrought upon him to have consented to so anti-monarchical an act; and, therefore, never after retained any confidence that he would deny what was importunately asked; and so either absolutely withdrew themselves from those consultations, thereby avoiding the envy and the danger of opposing them, or quietly suffered themselves to be carried by the stream, and to consent to anything that was boldly and lustily attempted." He would not pursue the history of that unhappy Prince further; his history, as well as that of this most instructive period of our history, was familiar to every hon. Member of that House, and he had only to express a sincere and ardent hope that no similar consequences would follow from acting on representations made at this time, which were not widely different from those which were then pressed on the atttention of the Monarch. It was thrown out at the other side (on the principle, no doubt, that ridicule prevailed often when argument failed), that the stale cry "of the Church in danger," was now attempted to be raised. Now, if this sneer had proceeded from those who considered an Established Church an evil, and that of Ireland a national grievance, he should not be much surprised, but when it came from those who appear to consider a national Church a benefit, he could not help saying, that he was astonished how it could for one moment be considered a matter of indifference that the existence of the Church should be in the slighest degree endangered, or that the Protestant religion should continue to be the favoured one in Ireland. He had now used all the arguments which it was his intention to address to the House; and if, on the whole, they were of opinion that the Protestant religion was good in itself, that it was pure in its doctrines, and useful in its practice, and that, as a national Establishment, it was intitled to afford instruction to those who professed it in the most remote parishes in Ireland; if they believed that such were its excellencies and its characteristics, they were bound to preserve it in its present extent and character. If they believed that the Establishment of the Church formed an essential part of the Constitution of the country—that it afforded the most favourable means of spreading rational and sound religion—if they believed that it contained the sources of consolation in pain, in poverty, in sickness and in sorrow, and that it exercised a just authority to teach, while it favored the utmost freedom of inquiry, then it behoved them to cling to this Establishment—to defend it manfully and boldly—not to surrender the cause of their Protestant brethren in Ireland; and, above all, to make no second concession to the influence of Catholic agitation. He admitted that toleration was the first principle of Protestantism; but the question now was, whether the Catholics should be kept within the bounds of toleration, or allowed to act in a spirit of ascendancy. He had every respect for conscience [*marks of disapprobation*]. Did he not support Catholic Emancipation, and remain for many years in hopeless opposition an advocate of that measure? Did he not support the Repeal of tbe Test and Corporation Acts? He repeated, that no man in that House had a more sincere respect for the scruples of conscience. But he confessed he had no regard for conscience when it assumed the shape of resistance to the payment of a legal impost. And to the conscience of passive resistance—to the conscience of agitation — to the conscience of repeal — to the conscience of "the annual tribute"—and, least of all, to the conscience of Death's head and cross-bone menaces he, for one, was not prepared to make the smallest possible concession. For the Reformed religion, as it was established in these realms, there was no sacrifice which he was not ready and willing to make; and, with respect to Ireland, he would, in conclusion say,— "*communia altaria æquè ac patriam diligite colite fovete.*"

Viscount *Howick*:* Sir, I was most

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* From a corrected Report published by Ridgway.

anxious to address the House after the right hon. Member for the University of Cambridge, because it appeared to me that that right hon. Gentleman had—more than any other Member who preceded him in this debate,—addressed himself to the immediate Question brought before the House by the Motion of the right hon. Baronet, the Member for Tamworth, for the division of the Bill. But, Sir, I now rejoice that I gave way to the hon. Member for Berkshire, since I have thus an opportunity of expressing the satisfaction with which I heard the speech of that hon. Member, which, in my opinion, reflects equal credit upon his head and his heart. In that speech the hon. Member has given proof both of a candid mind and a sound judgment, and in spite of personal feelings and sacrifices, he is open to conviction produced by facts clearly brought before him. The hon. Member has also shewn very great ability, and has stated in the clearest and most convincing manner the arguments on which rests the defence of the Measure we have submitted to the House.

I am also happy, Sir, to have an opportunity of expressing the different feelings which have been produced in my mind by the speech of my right hon. Friend, the Member for Cumberland, and of answering some of the arguments which he has used, and which, coming from one who says he knows that toleration is the first principle of Protestantism, really seems to me not a little surprising. But, Sir, before I proceed to do this, the House, I trust, will permit me—though not, perhaps, immediately connected with the particular subject under consideration,—very shortly to notice some of the observations of the right hon. Member for the University of Cambridge. That right hon. Gentleman occupied a considerable portion of his speech in answering some of the remarks which fell from my right hon. Friend the Chancellor of the Exchequer. My right hon. Friend, in the course of his speech, said, and I think most truly and unanswerably said,—that a great part of the difficulty by which this Question is surrounded, has arisen from the former conduct of the right hon. Gentleman opposite, in having, while in power, refused or neglected to correct, before it was too late, the many abuses and acknowledged evils which existed in the Church Establishment of Ireland.

The right hon. Member for Cambridge denies this charge, and, in reply, asks—"Are we the patrons of Church abuses? Have we done nothing for the improvement of the Church in Ireland?" And he then entered into a long and warm encomium of the manner in which the patronage of the Church was bestowed during the administration of Lord Liverpool, and of the Bills which he had himself introduced on the subject of tithe composition—of non-residence and disseverance of unions, winding up the whole by reminding the House that these great improvements had been effected by Lord Liverpool's administration, in spite of all the difficulties occasioned by troubled times and by the war which was then raging. But surely the right hon. Gentleman could not have heard the speech of the right hon. Baronet, the Member for Tamworth, which called forth the remarks of my right hon. Friend near me. The right hon. Baronet said,—"I am no advocate for the abuses of the Church. I do not deny that the facts stated by the hon. and learned Gentleman, the Attorney-General for Ireland, with respect to some particular parishes demand a remedy: and I am ready to deal, not prospectively, but immediately, with the existing abuses of non-residence, because in such abuses I can recognise no vested rights. I am no friend to clerical sinecures;—of all sinecures they are the worst. I would at once put an end to that state of things, under which a starving curate can be left to perform the real duties of a parish, while the well-paid rector resides at Brighton."

Such, Sir, is the language used by the right hon. Baronet, who is now such an enemy to the abuses which he acknowledges to exist, and which he is prepared to remove. But, then, we are told that this is no new doctrine of the right hon. Gentleman and his friends—that, when in office, they did all they could to remedy these abuses. Then why, let me ask, do they still remain to be corrected?—do they, or do they not, exist at the present moment? Has the statement of the Attorney-General for Ireland been impugned in any one particular? Do these abuses, I again ask, to which the hon. and learned Member has referred, exist, or do they not? It cannot be denied that they do; and I then further inquire, whether the right hon. Gentleman opposite, and the party with whom he acts, were not in possession of power for a period amply sufficient to have enabled them to apply an efficient remedy to these anomalies? The right hon. Baronet opposite was appointed Secretary for Ireland, if I rightly recollect, in the year 1812. I did not expect the renewal of this discussion, or I would have been prepared with the exact dates; but I believe he was appointed Secretary for Ireland in 1812, and continued in that office until the year 1818, or 1819. In 1822 he became Secretary for the Home Department, and remained in that situation, a leading Member of the Cabinet, and immediately presiding over the administration of the affairs of Ireland, for no less than five years. With this power then in his hands and these opportunities at his command, why is it, I again ask, that he has left still to be corrected those abuses to which he now expresses so determined an opposition? But the right hon. Gentleman, the Member for the University of Cambridge, says, that they held this power during war, and in troubled times. Why, Sir, of the period during which the right hon. Baronet held office, only two years were years of war; and for those who talk of "troubled times," I should like to institute a comparison between the last five years of Lord Liverpool's Government and the present time,—between the opposition with which he had to contend, which was known by the well-earned nick-name of his Majesty's opposition, and that which we have encountered since the first of March, 1831, when my noble Friend introduced his Bill for the Reform of the representation of the people? Sir, I say, that if ever there was a Government which was placed in circumstances favourable to the entertaining of large and comprehensive views, and for the calm consideration of dangers which were still at a distance,—it was the Administration which then existed. Never, yet, was there a Government which enjoyed so many advantages: it was all-powerful in this House. There was no political excitement of any kind in the country; there was profound peace abroad; and there was no cause whatever to prevent the right hon. Gentleman opposite, and his colleagues, from giving their whole attention to the correction of those abuses of which he now avows himself one of the boldest enemies. The right hon. Baronet (Sir Robert Peel) cheers me, as though he understood me to imply that nothing has been done by former Administrations towards remedying these abuses. I did not say, Sir,—I did not mean, that nothing had been done; I only call upon the House to compare what was done by the Government, of which the right hon. Baronet was a Member, with what was left undone, and with what has been done since; taking also into consideration the facilities they enjoyed compared with what we have possessed for maturing and carrying great measures; and I say, the defence of the right hon. Gentleman will not, for one moment, stand good in the eyes of the country.

But, Sir, I wish to deal quite fairly and candidly with right hon. Gentlemen opposite, and I must therefore admit, that there is a much better and a more substantial defence to be made for them than any they have thought fit to urge,—it is a defence which I can perfectly understand that the right hon. Baronet may not be desirous to put forward, but which might, I think, have been successfully advanced by him. He might say, "It is very true, we had great power in this House, but as the House was then constituted, we held that power by this tenure, that we should not deal too rigidly with abuses." It was by means of these abuses, as we all know, that in the unreformed House of Commons the majorities upon which the existence of the Ministry depended were kept together; it was therefore impossible that these majorities, returned by Schedule A and Schedule B, should be employed for the destruction of those very abuses which furnished the bribe and the bait by which their services were secured. If the right hon. Gentleman had rested his defence upon this ground, I should at once have admitted it to be good; but then, Sir, I should have expected him, with equal candour, to have given up what he said four years ago on the subject of the Reform Bill, and now to have agreed with me, that that measure, instead of a curse, was the greatest blessing ever conferred upon this country.

Sir, I fear I have dwelt too long upon this topic, which I am aware does not bear directly upon the question before the House; but those hon. Gentlemen who heard the speech of the right hon. Member for Cambridge, will, I am sure, perceive that what I have now said was in answer to a challenge thrown out by him, which it was impossible I could pass by. I will, however, now come to the main and most important question before the House. It appears to me the great and almost single argument against this measure, which has been advanced by the right hon. Baronet, the Member for Tamworth, by the right hon. Gentleman the Member for the University of Cambridge, and by my right hon. Friend who has just sat down, is, that, in point of fact, there can be no real surplus after providing for all the wants of the Protestant Church in Ireland. I believe that almost the whole of their arguments resolve themselves into this. The most elaborate calculations have been gone into, for the purpose of shewing that, upon an equal division of this property, there would not remain more than an adequate stipend for each of the Protestant clergymen in Ireland. I will not go into those calculations; I could not do so with any effect, without taking up much more of the time of the House than I could with any propriety demand. But this is not my only nor my principal reason for declining to enter into these calculations; my chief reason is, that they seem to me to be brought forward to support an argument which is, in itself, essentially unsound. If those calculations were in themselves ever so correct (which I must beg leave to deny), they would still, in my opinion, form no sufficient basis for the conclusions attempted to be built upon them. What is the real and practical ground on which his Majesty's Government propose this measure? We find that there exists very general dissatisfaction amongst the people of Ireland, who complain that, in supporting the Church Establishment on its present scale, a very large endowment is applied in such a manner as not to be conducive to those ends of general utility which it ought to answer. This is the main complaint which the people of Ireland bring forward; and when I come to examine the grounds on which this complaint is founded, and to inquire whether it is just or unjust, I find it necessary, in the first instance, to look at what are the principles on which a national church and a national endowment are to be supported. My right hon. Friend has all along argued upon the assumption, that the mere maintenance of the Establishment is the ultimate object of the endowment, and that beyond this we have no right to look. Now, Sir, I have always held,—and I am happy to find myself confirmed in this opinion by some of the greatest ornaments of our own Church, including Dr. Paley and the present Bishop of London,—that a Church Establishment, like every other human institution, is created for the benefit of the great body of the people, and that it is intended to diffuse amongst them the truths of Christianity. When a Church Establishment is really a successful instrument for the accomplishment of this object, I scruple not to say I think it the most useful of all the institutions of a state. I think so, not only because I conceive that the happiness of the governed being the end of all government, their eternal as well as their temporal happiness is to be regarded; but even passing by this consideration, I think so even merely with reference to the political welfare of a country.

My right hon. Friend, when addressing the House on this subject on a former occasion, quoted a beautiful passage from Hooker, which so perfectly expresses what I think upon this point, that I will take the liberty of repeating it. He says:—"There is a politic use in religion. Men who fear God, are thereby more effectually than by positive laws restrained from doing evil, for those laws cannot reach beyond the outward actions of man; whereas, in the inmost recess of the heart, religion serves for a bridle. What more wild and savage animal can there be than man, if he think himself able either by fraud to over-reach, or by force to overbear, those laws unto which he is subject? Wherefore, when there is such boldness to offend, it behoves that the word should be held law, not a vain surmise, but a grave apprehension of somewhat which no man is able to withstand, and this is the politic use of religion."

Sir, I cordially concur with my right hon. Friend in his admiration of these sentiments, and in thinking that even were it merely for this. "the politic use of religion," it ought to be one of the first objects of a state to extend its influence. But I go still further in my agreement with my right hon Friend, and I say with him, that for the purpose of upholding religion, and of diffusing its most salutary effects, a national Church Establishment is the best, if not a necessary, instrument. I believe (in opposition to those who maintain a contrary doctrine, and contend for what is termed the voluntary principle) that mankind cannot safely be left with respect to the want of religious instruction, to be acted upon by the same motives that guide them in providing for their mere physical necessities. There is no danger that these should be forgotten; but, unhappily, those who are the most deplorably in need of religious instruction, are from that very circumstance insensible of its necessity; their attention requires to be roused, and their fears excited as to their lot in another world; and, in my opinion, unless the State adopt some means of doing this, and of bringing religion under the notice of those who are in a state of absolute indifference about it, we cannot reckon upon its having that general effect which it ought upon the minds of the population.

Sir, I was glad, a few nights ago, to find that this was precisely the view of this question taken by the right hon. Baronet, the Member for Tamworth. In the Debate on the Church of Scotland, the right hon. Baronet said, that in considering the necessity of providing additional means of religious instruction in that part of the kingdom, he would take into account both what was done by the Established Church, and also what was effected by the Dissenters; but that he felt bound to inquire whether there were what he called any neutral ground, occupied neither by the Church of Scotland nor the Dissenters, and if so, to consider how the wants of those classes, for whom nothing had yet been done, might be provided for. Sir, in laying down this rule, in which I entirely agree, I conceive the right hon. Baronet clearly to have adopted the principle for which I am now contending,—that the endowment of a national Church is intended for the benefit of the great body of the people, by bringing religious instruction to the doors of the whole population. But if this be the test of the usefulness of an establishment, and of the propriety of maintaining it, what must be our judgment of the present condition of the Irish Church? Is it the successful instrument of diffusing religious instruction amongst the mass of the population, and, above all, amongst the poorer classes? I will not detain the House, at this hour, by going into the cases of individual parishes, but looking only generally to the state of extensive districts, it will be seen at once how little the Established Church of Ireland has done for the great body of the people. In three out of the four provinces of Ireland, the members of the Established Church amount only to one-fourteenth of the population. In one province, that of Tuam, they are actually only one-twenty-eighth; and in the two provinces of Tuam and Cashel together, comprising the whole of the South and West of Ireland, the Churchmen are but one in twenty-three of the population. Then, I ask, with this proportion of Catholics to Protestants, will it be contended that the whole revenues of the Church shall be applied to so small a minority—such a mere fraction of the population of the country, and that consisting of a class already far richer than any other? Shall I be told that there is no surplus to be found, and that one-twenty-eighth, or one-twenty-third of the population are to have the whole revenue of the Church (which is settled upon it for the instruction of all) applied exclusively to their particular benefit?

But my right hon. Friend says, that there is no injustice in this, because the revenue derived from tithes is paid by the Protestants, since they are the principal owners of the land on which tithes are to be considered as a tax. Sir, I deny altogether the correctness of this argument, which rests upon the total misconception of the grievance of which the Catholic population have really a right to complain. I contend that they are wronged, not in being taxed for purposes in which they have no interest, but in having altogether withheld from them, and applied exclusively to these purposes, a property in the benefit of which they ought to share. Regarding, as I have already said, a national endowment as meant for the good of the whole people, and seeing that in Ireland it does not in any degree answer this purpose, I say that this diversion of the funds by which the Church is supported from their legitimate employment, and not the imposition of a tax, is the real grievance. I deny that tithes can be properly called a tax, either upon the occupying tenant or upon the landlord. They form, it is true, ultimately, a deduction from the rent of the landlord; but to that which is thus reserved, he has no more claim than he has to his neighbour's estate. Tithes are not a tax either upon the landlord or upon any one else: they are a separate and distinct property, set apart for a particular purpose. My right hon. Friend, I see, agrees with me in this; but the difference between us is as to what that purpose is. My right hon. Friend says, "it is the maintenance of the Church." I say it is the maintenance of religion, and that my right hon. Friend's whole argument is built upon the fallacy of confounding the two—a fallacy so obvious, that I am surprised it should have imposed upon him. To assume that the Church Establishment, and the religion which it is intended to teach, are the same thing, is a sophistry so shallow that I should have thought it might almost have been detected by an infant. Religion lives in the hearts and minds of men; it can neither be created where it is wanting, nor crushed where it really exists, by the direct agency of human laws. Its essence is too subtile for our control. The Establishment, on the other hand, is the creature of the law: it is a mere human institution for the promotion of religion; and by its success or its failure in answering this purpose, it must stand or fall. Who, then, can venture to say, that the Established Church of Ireland has been a successful instrument for the diffusion of religion? My right hon. Friend has, indeed, asserted that Protestantism is upon the increase in Ireland. The time will not allow me to enter into minute calculations to disprove this assertion; but I must beg to call the attention of the House to a very remarkable statement of facts upon this question which has within a day or two appeared in an article of a periodical work, (the *Edinburgh Review*) which I hope many hon. Members may have seen.

It is mentioned in the article to which I have referred, that Sir W. Petty, in the reign of Charles II., estimated the Protestants as being to the Catholics in the proportion of three to eight. In 1733, Maule, Bishop of Dromore, made nearly a similar estimate, which is also supported by the returns of the hearth-money collectors, while the Catholic Bishop of Ossory (who would not be likely to diminish the importance of his own Church) rated the Protestants even higher. By the lowest of these statements, the Protestants, a century ago, were to the Catholics as three to eight—they are now only as three to twelve and three-quarters. So much, Sir, for the effect of the Establishment, in disseminating the peculiar doctrines of our own Church. But if we look to the higher objects of an establishment,— which I conceive to be meant less to inculcate this or that particular form of Christianity, than to diffuse a knowledge of those great and fundamental truths of our religion, in which all sects agree, to bring the whole population under the influence of those rules of moral conduct which have been prescribed by the Divine Founder of our faith, and of which the authority is alike recognised by all who call themselves Christians,—if, I say, we look to this—the real object of an Establishment—remembering that the soul of a Catholic is no less precious than that of a Protestant, what are we to think of the effects of the present system? This is a question on which it would be painful to dwell, and the facts are too notorious to require that I should attempt any description of the present state of things. Without, therefore, pursuing this branch of the subject further, my argument is, that it is absolutely necessary that a portion, at least, of those revenues, by which the National Church in Ireland is supported, should be applied in some manner, by which it may be rendered more beneficial than it now is to the great body of the people. The question is, then, how this is to be done? It is well known that the Roman Catholics will not take instruction in the manner in which it is now offered to them. They may be denounced as blind and superstitious, for refusing that Protestant instruction; but the fact is, nevertheless, undeniable; and the only resource, therefore, is to modify the plan on which we have hitherto proceeded, and if the people will not take what we think would be the best kind of instruction, let us offer them the best they will consent to accept.

With a view to the spread of Protestantism itself (without adverting to the importance of improving, even if we cannot convert the people), I maintain that this is our most prudent course, and that we ought to give instruction in such a form as will be likely to render it more generally acceptable. I have so firm a conviction of the truth of the Protestant religion, that I believe the more the minds of the people become enlightened, and the more they become acquainted with the general doctrines of Christianity, the more will the Roman Catholics be disposed to receive favourably our opinions on those points in which they at present differ from us. But my right hon. Friend, who disapproves of what we propose, says that he too is willing that schools should be established; and he stated distinctly, that he should consider it a proper application of a portion of the revenue of the Church to employ it in establishing schoolmasters and catechists, to teach the Protestant Faith in the native language of the people in those parts of the country in which English is not commonly spoken. What, then, is the difference between us? Why, that my right hon. Friend would teach nothing but the peculiar doctrines of our own Church, though these he is aware the people will not receive. We would teach,—if not the whole of those doctrines which we believe to be true, at least as much as we can teach with effect,—those precepts of the Gospel which are held in common by every sect, and in which we all agree. He would establish schools to which the great body of the Irish people would not allow their children to resort; we would establish them in a manner to render them practically useful by extending the system of education which my noble Friend opposite (Lord Stanley) so successfully commenced. But, Sir, my right hon. Friend has another objection to the measure which we have proposed. He says, that the principle on which it is founded will necessarily lead to results far beyond those which we intend; and that, if we once admit that principle, we shall find no spot where we can stop—no possible resting-place, until we shall have established the Catholic instead of the Protestant religion in Ireland. Sir, I contend that this is no argument whatever for rejecting the measure we have brought forward: it may be a good one for doing more than we have proposed, but certainly not for doing nothing. If our principle be a bad one, let its error be exposed; but my right hon. Friend should be cautious how he says, "Your principles are sound and good, but we must not adopt them, lest they should lead us further than we desire." Let him take care how he says to the people of Ireland, "We admit your claim to be well founded,—we grant that you have reason and justice on your side, yet we resist that claim,—we refuse to act upon the principle you assert, not because it is unjust (for we admit its justice), but because it may carry us further than we wish to go." Sir, if this be the language we are to use, we shall not have long to complain of the moderation of the demands which are preferred. If my right hon. Friend admits the principle, that the endowment of a National Church is to be supported on no other ground than its utility in affording the means of instruction to the people, and if he also is really and sincerely of opinion that, by the measure we have proposed, that principle will not be carried out to its full extent, let him bring forward some more complete measure of his own. I, Sir, for one, shall be prepared to listen with all respect and attention, to whatever my right hon. Friend may so suggest: but in the absence of any such suggestion, I cannot listen to what seems to me so absurd a proposal as that of rejecting a measure founded upon a principle of which the justice is not impugned, on the ground that that principle might carry us much further than we wish. How much wiser is the opinion expressed by the hon. Member for Berkshire, who has told us that he admits the present condition of the Church of Ireland to be so anomalous, that he has no hope it can be maintained, and that he therefore does not hesitate to close with the present offer, as a more advantageous bargain for the Church than we can again expect an opportunity of making.

Sir, following the course taken on the other side, I have hitherto considered not the actual question before the House, but the general principle of the Bill introduced by my noble Friend (Lord Morpeth). But the motion of the right hon. Baronet (Sir Robert Peel), is not for the rejection of the Bill, but for its division into two. Having closely attended to all that has been said during this debate, I am not aware that any arguments, strictly in support of this specific Motion, have been brought forward by any Gentleman, with the exception of the right hon. Member for the University of Cambridge (Mr. Goulburn). What was his argument? He says you ought not to include in one Bill two separate and distinct subjects, and that no two subjects can be more distinct than the collection of tithes and the appropriation of the revenue derived from them: and he adds in support of this conclusion, that such was the view acted upon by a former Administration, concurring in the general principles held by his Majesty's present Government. Now, my answer to this argument is, that those two subjects, instead of being distinct, are intimately and indissolubly connected. The main purpose of this Bill is to remove the difficulties which have for some years prevented the collection of tithes, and the first question which naturally suggests itself is—What was the original radical cause of these difficulties. Does any gentleman imagine that they have arisen merely from the harassing mode of the collection of tithes? Why no; the true source of the difficulty was far deeper, it arose from the rooted hostility of the people of Ireland to that which they considered a gross and crying injustice,—the exclusive appropriation of the revenue derived from tithes, to purposes in which they felt no interest, and from which they derive no advantage whatever. Sir, as I have already said, this, in my opinion, is a real and substantial grievance, and the people of Ireland would, I think, have been more or less than men, had they passively acquiesced in the continuance of the Establishment in its present state.

But whether this opinion be correct or erroneous—be the grievance, to which I have adverted, real or imaginary—the fact is indisputable, that the hostility of the Irish people to the present appropriation of the Church revenues, is the great and leading cause of that state of things, with reference to the collection of tithes, which we now deplore. Do I make this assertion on any questionable authority? No, Sir; even so long ago as 1832, before the feelings of the Irish people upon this subject had received the encouragement they since have from what has passed in this House (and I need not say how great an effect must have been produced by the opinions expressed in the late and the present Parliaments), but even in 1832, during the progress of the Tithe Bill of my noble Friend opposite (Lord Stanley), we were distinctly warned by Mr. Brownlow, that the real cause of all the difficulty which existed in the collection of tithes was the mode in which the Church revenues were appropriated. Perhaps, indeed, I may be told that Mr. Brownlow is not altogether an unexceptionable authority upon this subject, because he was an advocate for a change in the application of the property of the Church; but I will quote you one which is open to no such imputation. I find, Sir, that on the 13th of July, 1831, on the presentation of a petition in the House of Lords, referring to the question of tithes, the following observations were made,—"Tithes have been changed in every parish in which composition has taken place into rent, and, notwithstanding that change, opposition has continued. All the old objections to tithes have been done away in those parishes,—tithe-farmers, tithe-proctors, viewers, valuers,—all have ceased to exist. But there are payments to be made, and the laws by which they are sanctioned are now the objects of hostility.

By whom were these observations made? By any one hostile to the Irish Church, or an advocate for its reduction? No; they are the words of the Bishop of Ferns, one of the dignitaries of that Church. Sir, when I find the fact equally admitted by persons of the most opposite opinions, and confirmed by the very highest authority, can I doubt that the difficulties which have arisen in the collection of tithes, have arisen mainly from the hostility of the Irish people to the manner of their appropriation? And if this be the case, how can the right hon. Baronet (Sir R. Peel) call upon me to strike out of a Bill, of which the whole object is to secure the collection of tithes, that precise part of it, which is directed against the chief cause of the resistance that has been experienced? How can he ask me to leave behind the main root of the whole evil, and merely to deal with the outward symptoms, leaving the disease to extend itself unchecked? Sir, I contend if we separate this Bill into two, if we disunite what are so intimately connected —the collection and appropriation of tithes —the inevitable consequence will be, that resistance to tithes will break out in a new shape, and will be perpetuated all over the country. Did not the right hon. Baronet himself, in a former debate upon this subject, make the observation that though we are about to convert tithe into rent-charge, and to impose this charge upon the landlord, the amount would have ultimately to be recovered from a Catholic peasantry? May we not then apprehend that if we leave the cause of resistance undiminished, we shall find the resistance continue to be made to this payment, whether it take the shape of tithe or of rent.

Nor, Sir, is this mere supposition formed upon grounds however probable. Unless I am greatly misinformed, what I apprehend has already come to pass. Irish landlords who have either undertaken, or by the existing laws have become liable to, the payment of tithes have been unable to recover in the shape of rent that which they themselves have been called upon to pay. This, if I am not very much deceived, has already happened, not in a mere isolated case, but in several instances. Nay, Sir, my noble Friend opposite (Lord Stanley), has told us that something very like this has happened to himself. The case, as he stated it on a former evening, was this. Some portion of an estate belonging to him, which had been underlet, at 27*s.* per acre, to the occupying tenants, by a middleman, to whom it had been leased, came lately by the termination of the lease into my noble Friend's own possession, and he thus, by the operation of the existing law, became subject to the tithe, from which the occupying tenants were exempted. This land my noble Friend relet to the former occupiers at 22*s.* per acre, 20*s.* being what he reserved to himself as rent, and the other 2*s.* being the amount he had to repay to the clergyman as tithe. Now, Sir, my noble Friend has informed us that when under these circumstances he claimed the whole as the rent due from his tenants; they said we will pay you the 20*s.* rent but we object to give you the 2*s.* to be paid over to the clergyman of the Church of England. This, I believe, is a correct statement of the facts? [Lord *Stanley*: Yes.] Well, Sir, it is true the result was, that the tenants of my noble Friend did not carry their point; his answer to them was perfectly fair and reasonable. He said, I have a right to let my land at any rent I please, at 27*s.* per acre, as before, or at 22*s.* as at present. Your business is only to pay me what you have agreed to pay, not to inquire what I do with what I receive; it is nothing to you whether I spend it myself or pay it over to the clergyman in lieu of tithe. My noble Friend's reply was successful; but, let me tell him, that there is much more cause for alarm in the fact, that under such circumstances the claim was made, than there is ground for encouragement in the success of his resistance to it. My noble Friend proved himself a firm and also an indulgent landlord; he was able at once both to relieve his tenants from tithes, and to reduce their rent from 27*s.* to 22*s.* As the law stood, the middleman, from whom the land was immediately held, was not liable to the tithe; it was charged upon the Catholic tenant who had been paying 27*s.* an acre for rent in addition to the demand for tithes, enhanced by the expensive and vexatious mode of collection. My noble Friend relieved the occupying tenant not only to the extent of 5*s.* an acre deducted from his rent, but also by the sum he had before paid for tithe, which was now included in the reduced rent. It is no wonder, then, that my noble Friend, at the very moment of having given such a boon as this, was able to enforce the payment of his rent, but the fact that under such circumstances as these the 2*s.* were objected to, is an irresistible proof that there does exist that strong sense of the injustice of the present application of tithes, which is the foundation of my whole argument. If I were to select one case more than another as the strongest confirmation of what I have advanced, this would be the case I should choose. Let it be recollected that the refusal of the 2*s.* claimed as tithe could not, in this case, be prompted by distress—it came from individuals who, comparatively with others in the same situation of life with themselves, must have been wealthy. Those who know what the condition of an Irish peasant usually is, will be able to estimate how greatly their's must have been improved by the amount of the reduction which had been made in their rent. Yet, notwithstanding this, such was their deep-rooted hostility to the mode of applying the 2*s.*, which they considered as tithe, that they went to my noble Friend, and remonstrated against its payment. My noble Friend is (as I have already observed a firm, as well as an indulgent landlord, and he succeeded in getting the amount which he claimed;—but will other Irish landlords be equally firm? How few can afford to be equally indulgent? Will they, in every case, be altogether strangers to the same feelings which actuate the peasantry? I say, then, you have no right to anticipate that the resistance to the payment of tithe, in the shape of rent, will never be permitted to triumph and if this resistance should be successfu in any one parish, the example will be followed in others,—it will spread like wild-fire throughout the country, and when the contagion shall once have become general, my noble Friend will find that even his firmness will no longer be of any avail. Sir, we know that it was precisely in this manner that the general resistance to tithes spread from a single parish; and when the same thing shall happen with repect to the rent-charges you are about to impose, it will be as impossible for any Government to compel the landlords to pay the amount which they are unable to recover from their tenants, as it has been found to enforce the re-payment of the instalments of the 1,000,000*l.* from the clergy who have not received their tithes. What, then, will be the consequence? Why, that the people of England being guarantees for the payment of that rent-charge, will find that the whole expense of keeping up the Irish Church, in all its enormity, will be thrown upon them.

Nor is this all. We shall do well to bear in mind that even at present the relation between landlord and tenant in Ireland is not altogether in a satisfactory state. I presume that there can be no Gentleman so little acquainted with the condition of that country as not to be aware that a large share of the evils with which it is afflicted have grown out of circumstances connected with the occupation of land, and that disputes upon this subject have been one of the most fruitful sources of disturbance. Perhaps it may not be generally known, but I believe it to be an undoubted fact, that already in some parts of the country, there have been symptoms of the commencement of the same system of passive resistance with regard to rents, as that which has been so successful against tithes. But then, Sir, under these circumstances, would it not be the very height of imprudence to adopt any measure which would have a tendency to provoke the resistance of the peasantry of Ireland to any part of what they pay as rent to their landlords? Let us beware how we interfere upon a subject of so much delicacy, and remember that in doing so we should, indeed, be playing with edge-tools. If we pass this Bill in the manner proposed on the other side, the effect will be that we shall compel the landlords to collect from the peasantry, as a portion of their rent, the hated charge of tithes, without having done anything to mitigate the hostility which is borne to it. To that particular portion of the rent of land I believe resistance would then speedily commence; and can we doubt that this part of the rent having been successfully refused, the remainder could not long be preserved? The certain consequence, therefore, as it appears to me, of the proposed separation of the Bill, would be to overturn for ever the security of landed property, and in doing so, put an end to all hope of any improvement in the condition of Ireland, since such improvement can only be expected from the removal of that insecurity which now checks the investment of capital in a country affording so many natural facilities for its profitable employment. I must therefore express my deliberate opinion, that, much as I should regret the total loss of the property in tithes now held by the Church (and which, if properly applied, might, I think, be so useful), I had much rather that this property should at once be abandoned without any further struggle, than that we should embark in a contest in its defence, which I am convinced would be fruitless, and which would shake to its foundation the whole fabric of society in Ireland. Such are the reasons upon which I resist the separation of the Bill, which I agree with the hon. Member for Berkshire, in considering as a measure of compromise between different interests, of which one part ought not to be taken without the other. My right hon. Friend (Sir James Graham), indeed, has expressed a strong objection to such compromises, and has found fault with the precedent quoted by the hon. Member for Berkshire, in the course pursued in coupling together Catholic emancipation, and the disfranchisement of the Irish forty-shilling freeholders. My right hon. Friend says, this is no precedent at all, because the two measures adverted to were not included in one Bill, but formed on the contrary, two separate and distinct Acts of Parliament. True, Sir, they were in point of form introduced as two separate Bills, but I am sure my right hon. Friend who took an active share in all these transactions, cannot possibly fail to recollect that the right hon. Baronet opposite (Sir Robert Peel), in stating the course on which the then Government had decided, distinctly informed the House that the two Bills were to be considered as parts of one great measure, and that they must stand or fall together. So clearly was this understood, that a meeting—at which I think my right hon. Friend must have been present—took place at the house of the hon. Member for Westminster (Sir Francis Burdett), and it was only resolved after considerable debate, that in consideration of the boon of which it was made the condition, the disfranchisement of the forty-shilling freeholders should not be opposed. Nay, more; it is impossible it should not be in the recollection of my right hon. Friend, that the present Lord Brougham, then one of the leading Members of the Opposition in this House, characterized this measure as the immense, the all but excessive price which he had with difficulty made up his mind to pay, even for the inestimable good which it was to be the means of purchasing. I say, therefore, that the precedent quoted by the hon. Member for Berkshire, was perfectly in point, and that in settling any great and difficult question, it is frequently the wisest course to agree to the compromise of coupling together concessions to each of two hostile interests.

But there is another reason for the division of the Bill, urged by the right hon. Member for Cambridge (Mr. Goulburn). He says that we ought to consent to this proposal, in order that each part of the Bill may undergo separate and fair discussion, and that he presumes we must conceive ourselves to have no reason to shrink from such a discussion of either. Sir, the right hon. Gentleman shall have as much discussion as he pleases; if he likes, he may, in the Committee, have a separate discussion upon every clause. But, Sir, there are very good reasons, of which I cannot believe the right hon. Gentleman to be ignorant, against our dividing the two parts of the Bill, if we ever mean that one of those parts should be adopted; and we should indeed deserve to be as wofully deceived, as we should find ourselves, if we were simple enough to consent to what is now suggested, merely for the purpose of ensuring a fuller discussion. No, Sir, I can assure the right hon. Gentleman, he shall not induce me to part with the advantage I feel that I possess, by taking my stand upon the Resolution of the House, that no measure upon the subject of tithes in Ireland, can be final or satisfactory unless it involve the principle contained in the latter part of this Bill. Sir, I will go further, and I will, without hesitation, avow, that I had rather the Bill should be entirely rejected, than that this Motion should be carried. I should, indeed, greatly regret the failure of this measure—I should deplore the continuance of that forfeiture of the property in tithes, which the right hon. Gentlemen opposite have acknowledged, both by their speeches in this House, and practically by their conduct whilst they held the powers of the executive Government, must be the necessary consequence of leaving the law in its present state. I should deplore, I say, this loss of a property, which, well applied, might be productive of so much good. I should lament the many cases of severe and unmerited individual hardship which it would occasion, and the utter destruction of that Church, which while I wish to reform, I do not desire to subvert; yet I am bound to express my settled opinion that even these consequences, which I am aware would follow from the rejection of the Bill, would be less fatal than those which are to be expected from its mutilation. Our passing the Bill so mutilated, cannot be regarded otherwise by the Irish people, than as shutting out from them, for ever, all prospect of concession upon a subject on which they feel most deeply, and the probable effects of this I cannot regard without the greatest apprehension. I cannot conceal from myself the fact, that the efforts of the hon. and learned Member for Dublin, in favour of a Repeal of the Legislative Union between the two countries have met with a degree of favour in Ireland greatly to be lamented. This project, mischievous as I think it, has undoubtedly acquired an alarming hold upon the minds of many of the inhabitants of that part of the empire, and I should, therefore, be most unwilling to arm him with an argument in its favour which it would be so difficult to answer. Sir, I entreat the House seriously to consider what will be the force of the argument which, if we agree to mutilate this Bill, we shall enable the hon. and learned Gentleman to use in addressing his countrymen in favour of a Repeal of the Union. He will have to tell them, that this measure, on which the hopes and wishes of a vast majority of the Irish people are firmly and unalterably fixed, was supported by three-fourths of the national Representatives, including almost all those who are returned by the largest bodies of constituents, but that they had been outvoted in the United Legislature, and that the earnest prayer of the nation had been rejected. He will have to tell how the United Legislature had adopted the arguments of my right hon. Friend opposite, and refused to listen to the demands preferred by the people of Ireland, and by their Representatives; not because they are unjust (for the principle on which they rest has not been contested), but lest this principle, if admitted, should lead further than he is inclined to go.

Sir *James Graham:* If my noble Friend means to draw this as an inference from what I have said, he has a right to do so; though, even there, I am prepared to contest with him the justice of the inference; but, if my noble Friend means to quote expressions which I used, I have only to say, I have no recollection of having used them.

*Viscount Howick:* I was stating what I conceived to be the inference legitimately to be drawn from the argument of my right hon. Friend. I particularly guarded myself against being supposed to quote what he had actually said, by stating that his argument against the Bill, as being only a half-measure, resolved itself into this; I contended, that in urging the rejection of the provisions of this Bill, on the ground of their not carrying into full effect the principle on which they are founded, my right hon. Friend did, in fact, recommend that, admitting the principle to be just, you should resist it as dangerous. Sir, I repeat, that I dread the effect of arming the hon. and learned Member for Dublin with an influence greater than he has already obtained, in consequence of the misguided policy towards him, and towards Ireland, formerly pursued by the right hon. Baronet opposite (Sir Robert Peel). I am unwilling to supply him with an argument in favour of Repeal, which it will be so difficult to resist. I do not wish to enable him to make a contrast between the determination of a united Legislature, and the probable decisions of a Parliament sitting in Dublin. If the House wishes to maintain a real Union between the two countries—if you wish to make that Union, at present existing, not a mere paper bond to be dissolved in the first moment of difficulty—if you wish that Ireland should be, not a spear to wound you, but the best arm of your defence—you will give your most decided negative to this proposal for destroying the measure of my noble Friend. Sir, for my part, I desire that the two countries should be united, not merely in name, but in fact; that Ireland should be bound to us by the closest and most indissoluble ties; that she should be, as it were, a part of ourselves, prepared and willing to take her full share of every difficulty we may have to meet, and of every sacrifice we may be called upon to make: but, instead of this, if we refuse to let her participate in the advantages we enjoy, we never shall be able to regard her but as a province retained by compulsion in reluctant obedience, and requiring, in time of war, to be watched with even greater caution and jealousy than the enemy with whom we are engaged.

Sir, I repeat it, there is no safety for the Union; there is no safety for the empire, unless the Imperial Legislature is prepared to act in reference to Ireland, upon the eternal principles of justice, and to extend to her the same benefits of good Government, which, sitting in England, we feel bound to secure to the people of this country. We claim for ourselves a Government founded upon the consent of the people, the only foundation upon which a free Government can rest, and if this be the right of England, is it not the right of Ireland also? If you are not disposed to govern her on those principles, you are not fit to govern her at all. I assert, that if the Church of Ireland, in its present form, and as at present maintained, be contrary to the settled wish of a vast majority of the people of Ireland, then the system should not be allowed to continue. Sir, before I conclude, I have only to say that by the Resolution we some time since adopted, we entered into a solemn engagement with the people of Ireland, that no Tithe Bill should be passed, without a concession being made to their strong feeling upon the subject of the Church; to that engagement I call upon the House to adhere, and not, by dividing this Bill, to crush hopes which it would have been far better never to have excited, than to have raised for the mere purpose of rendering more bitter the disappointment by which they are to be followed.

The debate was again adjourned.

## HOUSE OF LORDS,

### *Thursday, July* 23, 1835.

MINUTES.] Petitions presented. By Lord RAVENSWORTH, from the Smiths' Company in Newcastle-upon-Tyne, against the Disfranchisement Clauses of the Municipal Corporations' Bill.—By Lord STAFFORD, from Poole, in favour of the same Bill.

## HOUSE OF COMMONS,

### *Thursday, July* 23, 1835.

MINUTES.] Petitions presented. By Mr. EWART, from Liverpool, for Establishing a General Scale to Regulate Burial Fees; from Cheltenham, against the Punishments awarded by the existing Laws to Astrologers and others foretelling Events.—By Mr. BRUEN, from two Places, against the Church of Ireland Bill.—By Mr. HUME and Colonel LEITH HAY, from several Places, against the Aberdeen Universities.—By Lord GRIMSTON, and Mr. PRYSE PRYSE, from several Places, for the Repeal of the Duty on Newspaper Stamps.—By Mr. HUME, from two Parishes at Brompton, for the Repeal of section 6, of 58th George 3rd, c. 69, relative to Plurality of Voting.—By Mr. PRYSE PRYSE, from Cardigan, against any Alteration in the Timber Duties.—By Sir C. BLUNT, from Chichester, against the Application of the Public Money in the Prosecution of the *Brighton Guardian* Newspaper.

PUBLIC CARRIAGES—(METROPOLIS).] On the Motion of Mr. Alderman Wood, the House went into Committee on this Bill.

Several Clauses were agreed to.

On Clause 6 being read (a money clause) regulating the licences to be taken out by hackney coachmen and their watermen,

Mr. *Potter* considered the proposed duty of 20*s.* for drivers, and 12*s.* for watermen, too high, and suggested the substitution respectively of 5*s.* and 2*s.* 6*d.*

Sir *John Wrottesley* said, he conceived that in point of form it was not competent in the House to proceed at all with these money clauses in the absence of any declared assent to them on the part of the Government.

Alderman *Wood* said, that it was very hard, that the progress of so important a measure should be impeded. The Committee up stairs, after they had framed the Bill, had submitted it to the Chancellor of the Exchequer and the Home Secretary, who had assented to the whole Bill, except the clause relating to the appointment of Commissioners. It had in consequence been proposed by the supporters of the measure that these Commissioners should consist of one magistrate from each of the eight police-offices. This suggestion entirely obviated the objection previously taken by Government, and he (Alderman Wood) had confidently expected that the Chancellor of the Exchequer would have come down to the House this morning for the purpose of sanctioning the Bill. As the right hon. Gentleman, however, was not in his place, the House could at all events proceed with the other clauses of the Bill, leaving the money clauses to be taken into consideration when the Chancellor of the Exchequer should have given his assent to them. In reference to the duty proposed upon licences, it was the express desire of the hackney-coach and other proprietors that their servants should be registered: the amount of duty was altogether a matter of indifference. The hon. Alderman proceeded to complain, that after the result of the interview with the Chancellor of the Exchequer, and after both the Stamp-office and the Commissioners of Woods and Forests had given their consent, he should now be turned round upon with the objection that this Bill could not be proceeded with because the Chancellor of the Exchequer was not present. It was to be feared, that if the measure were not proceeded with to-day, it would not be passed at all this Session, a result which would create very general disappointment. The measure was a most important one both for London and Westminster, and the necessity for it was proved beyond a doubt by the number of petitions which had been from all quarters presented, grievously complaining of the great danger to life and property caused by the existence of the nuisance.

Sir *John Wrottesley* said, that if the hon. Alderman had kept the Bill within the limits which it had been understood should be adhered to, and had confined its operation to the City of London, he (Sir J. Wrottesley) should have supported it; but the Bill came out of Committee so altered and enlarged, that he thought it was impossible for the House to assent to it, as he found it to be himself. The Bill, as it now stood, went to re-establish the old Board of Commissioners, and all their attendant mischiefs; and this in itself was an overwhelming objection. No doubt very great inconvenience was sustained in the city from a want of due regulation of these carriages; and he should support any measure which tended effectually to remove this inconvenience. There was, however, no such inconvenience experienced in Westminster, where the police were found amply competent to the effectual removal of all street obstructions. If the hon. Alderman would consent to the withdrawal of the objectionable clauses in the Bill, and limit it to the city, he (Sir J. Wrottesley) would support it.

Mr. *Robert Steuart* said, that both the Chancellor of the Exchequer and the Home Secretary, were in attendance till two o'clock on the former morning sitting, when this Bill was fixed to come on; this morning, neither of them had any idea that it would come on. He thought, however, that it would not be competent in the House to proceed with this Bill at present.

Alderman *Wood* said, that for his own part, he had limited the operation of the Bill to London. Its extension to Westminster was determined upon by the Committee.

The House resumed. Committee to sit again.

WEIGHTS AND MEASURES.] The House went into Committee on the Weights and Measures Bill.

Several Clauses agreed to.

On Clause 19,

Mr. *Estcourt* objected to it so far as it went to authorise stamping by local inspectors. It was the most objectionable part of the whole measure, as it led to great inconvenience and useless expense. He had before divided the Committee on it, and it was only carried by the casting vote of the noble Lord. The Chairman should be of no utility as a means of verification. He (Mr. Estcourt) would therefore propose that the Clause be altogether excluded

Mr. *Warburton* was of opinion that, in conformity with the decision of 1830, it would be sufficient to have the name of the maker stamped on the weights and measures.

Lord *Ebrington* defended the clause. Though the hon. and learned Member would abolish stamping, he would keep up the system of inspectors, which would then be really open to those charges of inconvenience that had been made against it. The object of the Bill was, not to provide against every fraud that might be committed, but simply to establish a uniformity of weights and measures. It would be in vain to attempt to effect any uniform use of the imperial measure without the stamp.

The Committee divided on the clause: Ayes 32; Noes 33—Majority 1.

House resumed.

BREACH OF PRIVILEGE—CASE OF MR. SPARROW.] John E. Sparrow was put to the Bar by the Serjeant-at-Arms, and

The *Speaker* addressed him as follows:—"You have been guilty of a Breach of the Privileges of this House, by aiding and abetting witnesses, who absconded, in order that they might not be required to give evidence before a Committee appointed to try the merits of a petition complaining of an undue return for the borough of Ipswich. The practice and experience of your profession must have made you acquainted with the character and consequence of your offence, the commission of which you have admitted. No doubt you would have felt great and just resentment against any one who had withdrawn a material witness, by the means of whose testimony the rights of one of your clients were injuriously affected: you must consequently feel how just and how natural it is that this House should visit, with marked severity, the offence of which you have been guilty, in withdrawing testimony essential to the vindication of the rights of the constituency of Ipswich, and the purity of election. The confinement you have suffered has, no doubt, been attended with inconvenience — perhaps with pecuniary loss; but that which you ought most acutely to feel, is the consciousness that you have incurred the merited displeasure and censure of this House. You and those who may be admonished by your case, will henceforth know that this House possesses powers to enforce obedience to its authority, and that it is invested with privileges for the benefit of the people, which it asserts with firmness and justice. I have now to acquaint you that you are discharged on payment of your fees."

The witness bowed and retired.

On the Motion of the Attorney General, it was ordered *nem. con.* that the address of the Speaker be entered on the journals.

NEWSPAPER STAMPS.] Mr. *Hume* presented a Petition signed, as he stated, by nearly all the printers in London, and forming a volume, praying the repeal of the taxes on knowledge, such as the stamp duty upon newspapers, the duty upon paper, &c. When they were abrogated, it would be soon seen that the art of printing in all its branches was only in its infancy. He had also received a similar petition from the printers of Carnarvon, and he might take this opportunity of saying that it appeared to him that the public voice demanded that Ministers should give way on this point. He did not wish the Chancellor of the Exchequer to relinquish so large an amount of revenue if it could not be spared, but he thought that a substitute might be found by imposing a payment on the transmission of newspapers by the post.

Mr. *Robinson* took occasion to ask the Attorney General whether it was the intention of Government in the existing state of the law to suppress an open violation of it in the metropolis. He gave no opinion on the propriety of the tax upon newspapers, farther than to say, that he had always supported the repeal of this and all other taxes obstructing the dissemination of useful knowledge; but while the law remained unaltered, as prosecutions had been instituted against inferior offenders the publishers of penny magazines and others, he thought it unfit that greater offenders (and he was told that some great persons were implicated) should be allowed to escape altogether.

The *Attorney General* replied, that the question as to the continuance of the tax was not in his department, but in that of the Chancellor of the Exchequer. On the propriety of enforcing the existing law he had no difficulty in saying, that he had taken steps, and should continue to take steps, to secure obedience to the law. Justice to the fair trader required, that while the tax remained, it should not be evaded; it was injustice to those who obeyed the law, if those were not punished who disobeyed it. If the hon. Member for Worcester would point out to him any individuals, high or low, without respect of persons, who offended, he would instantly put the law in force against them.

Petition laid on the Table.

TITHES—THE CHURCH (IRELAND).] On the Motion of Lord Morpeth, the Order of the Day was read for resuming the adjourned debate on the Tithes and Church of Ireland Bill.

Mr. *Ward:* The deep interest he had so long taken in this subject would, he hoped, induce the House to grant him its attention while he made a few observations.

He wished first to remark upon the Bill introduced by Government for the better regulation of the Ecclesiastical revenues of Ireland, and next upon the mode in which the right hon. Member for Tamworth proposed to deal with that Bill. He assured the House that he would be as concise as possible; and profiting by past experience he would not trouble it by quotations from more antiquated records than the proceedings during the last two Sessions. He was first, anxious to set himself right regarding the exaggerated calculations adverted to by the right hon. Baronet, which had been made up to the present time respecting the revenues of the Irish Church. The right hon. Baronet had done him (Mr. Ward) the justice to say, when quoting from his estimate, that it was less exaggerated than some others; the fact was, that when he made those calculations, there existed a great deal of mystification on the subject, and it was impossible to obtain accurate *data*. He had formed his estimate with much labour from documents upon the Table, and at all events they were not so inaccurate as those formed about the same time by the Recorder of Dublin, and by the Member for the University of Dublin. One of them rated the Episcopal Protestant population at one million and a half, and the other asserted that the revenues of the Church did not exceed 420,000*l.* The calculation of the hon. Member for the University of Dublin was, of course, without the deduction of the Perpetuity Fund, or the thirty per cent, subsequently paid; but taking into view the whole of the property of the Church—Bishops' lands, the lands of Deans and Chapters, and the total tithe income, even now it was probable that the gross amount of revenue was upwards of 840,000*l.* The greatest difference between his calculation and that of the right hon. Member for Tamworth regarded glebes, which he had reckoned at 85,000 acres at 30*s.* per acre. The right hon. Baronet, on the other hand, estimated the glebes at 76,000 acres at 20*s.* per acre. Taking it at 20*s.* per acre, the amount, according to his (Mr. Ward's) estimate, would be 85,000*l.* and he could establish that the total revenue exceeded 840,000*l.* Then with regard to population, he (Mr. Ward) had estimated the Protestant Episcopalian population of Ireland at 600,000 souls. It appeared by the census lately laid before Parliament that their number amounted to 852,000; but in that calculation the Commissioners had included a great number of Wesleyans, and other Members of the Protestant faith, not actually in communion with the Established Church. If the Members of those sects were deducted from the gross numbers returned by the Commissioners, he believed it would be found that the actual number of Episcopalian Protestants now existing in Ireland was 732,164. Thus it would be seen that his estimate of 600,000 last year was not so grossly erroneous as the statement of the right hon. Baronet (Sir Robert Peel) would lead the House to suppose. Having set himself right upon that point, he should at once proceed to address himself to the arguments advanced by the right hon. Baronet, the other evening. He need hardly say, that the right hon. Baronet and himself looked upon the subject from two completely opposite sides. The right hon. Baronet looked chiefly to the interests of the Irish clergy as a body—he (Mr. Ward) looked to the interests of the Irish people at large. The right hon. Baronet looked to the possibility of sustaining the Church Establishment on the widest possible base—he (Mr. Ward) looked to the absolute necessity of reducing the Church Establishment to the lowest possible scale consistent with the wants of the Protestant population. He could not think that the argument of the right hon. Baronet bore in any way upon that point. Looking at the amount of the Protestant population—even admitting it to the full extent stated by the Commissioners—the question was, whether there was any necessity for supporting so great a number of Protestant clergy? And whether, if the number were necessary, we were justified in supporting them at the expense of the Roman Catholic people? He would ask, indeed, whether it was consistent with the interests of the Established Church, as contra-distinguished from the interests of individual clergymen to attempt to support so large an Establishment, and whether we could continue to do so without involving both England and Ireland in one endless train of confusion and misery. How did the arguments of the right hon. Baronet bear upon that question? What consolation did the right hon. Baronet's arguments afford to the peasant of the south and west of Ireland, where the proportion of Protestants to Catholics was one to eighteen as in Cashel, or one to twenty-six as in Tuam. If he were permitted to go into a statement of figures upon the point, he could prove to the entire satisfaction of the House, that the sinecures of the Protestant Ministers in Ireland, taking the average of them throughout the whole country, were very much under-rated; he could show that the returns from which the averages were struck were in many instances utterly fallacious. There would not, however, be much to complain of in that, provided the whole charge were borne by the Members of the Established Church; but it became an intolerable grievance, when the chief part of the burthen was thrown upon those who had no communion with the Establishment, and who, moreover, were bound in conscience to maintain a clergy of their own. If the hon. Gentleman would examine the Reports of the General Committee on the State of Ireland, from which the hon. Member for Berkshire (Mr. Walter) quoted so largely the other night, when, after having voted for the restitution of the 147th Clause in the former Church Bill, he announced his determination on the present occasion of voting in favour of the proposition of the right hon. Baronet, the Member for Tamworth—they would find from the evidence in every part of those Reports, that the reason for which the Catholics protested against the payment of tithes was, that they received nothing in return for their money. This was the expression constantly made use of throughout the whole of the evidence, 'for the payment of tithes we have no return. They did not resist the payment of rent, however large or exorbitant it might be, because they held land in exchange for their money: but in return for tithes they received nothing; hence an invincible hatred to the payment of tithes. This was not a feeling of a peculiar quality—it was not a singular feeling—it was a feeling inherent in human nature itself. Try the experiment where they would, in whatever country they liked, it would produce the same results. Take Scotland, for instance. There were 120,000 most respectable Episcopalians in that country. Try the experiment of transferring the English Established Church to Scotland. Did they suppose that the people of a single county in that country would submit for one solitary year to endure such an experiment. Did they suppose that at the end of the first year's trial they would not have transformed one of the most tranquil and contented people on the face of the earth into one of the most indignant and distracted. If no other country, then, would submit to such a system, why was it expected that Ireland should do so? The only plea for the continuance of the enormity in that country was, that it had already been endured. All agreed that it could not now be imposed. What, too, were its results? Impoverishment and exasperation on the part of the poor—intolerance and religious feuds on the part of the better educated. What, then, was the proper course to pursue! It had been indicated by the hon. and learned Attorney-General for Ireland, and it consisted in this that the expenses of the Established Church, should be limited to the actual wants of the Protestant population, and that the residue of its property should be appropriated to the moral and religious instruction of all classes of the people. That he believed to be the only true remedy for alleviating the evils which at present existed in Ireland. If the Establishment were to be maintained at all, it was obvious that it must be placed on a fairer basis as regarded the Catholic population. He believed that if the Government did succeed in placing it on a fairer basis—if they did succeed in obtaining the sanction of the great majority of the Irish Members in that House to the arrangement embodied in the Bill then under their consideration, they would, for the first time, be giving to the Protestant Establishment in Ireland something of the appearance of a national sanction. As yet he denied that it had received anything approaching to a national sanction. It was common, when this subject was under discussion, for Gentlemen to talk of the Union. The Union was the verdict of a packed Jury. The Catholics of Ireland were not represented at that time. They were represented now; they were represented in that House, and a majority of the Irish Members, so representing the Catholics of that country, had concurred in rejecting a proposition for the Repeal of the Union. They looked to the House of Commons for justice—they looked to it to advance the interests of their country. He repeated, therefore, that if, under such circumstances, they could now obtain the support of the Irish Members to any new plan, based upon a new ground, they would be giving to the Church of Ireland a sanction which it never yet possessed, and thus, at the same moment, would be affording stability to the Establishment and satisfaction to the people. The argument used on the other side last night was, that no such compromise as was contemplated in the Bill could be expected to take place, because the hon. Member for Middlesex (Mr.

Hume) had frankly declared that he was willing to take the Bill as an instalment, and nothing but an instalment, and, consequently, not as a final adjustment of the question. He (Mr. Ward) felt not less strongly than any Gentleman in that House on the subject of the Irish Church; and he stated distinctly that he was willing to take the Government measure, after it had been temperately discussed in the Committee, as a fair compromise of a great national question. He did not wish to provide for the spiritual wants of the Protestant population in a mean or niggardly manner. He did not believe, that any Catholic Member had a desire to diminish the means of the Protestant Church below what its wants required. But looking at the present measure, he could not help thinking with the hon. Member for Berkshire (Mr. Pusey)—whose manly and candid statements of the conviction he had arrived at, and of the change which had taken place in his opinion upon the Report, was of a character to excite in the House feelings of the highest admiration and respect—he could not help thinking with that hon. Member that this was an excellent bargain for the Established Church. It was with that feeling that he should offer some observations to the House upon the subject, conceiving that in accepting the measure now proposed by the Government, he was in no respect compromising his own private opinion that a larger and more comprehensive measure would have been advisable. He was, however, willing to accept the present measure. He was only anxious, that it should be rendered as effectual as possible; and in the Committee he should not scruple, in the most friendly spirit, to point out to his noble Friend those parts of its details which he thought might be advantageously amended. The part of the Bill of which he approved most highly was that which went to establish the principle for which he had always contended, viz., the principle of appropriation. When he looked at the change which had taken place in popular opinion upon that subject in the course of a short twelve months—when he looked at the number of independent men who were now pledged to that principle in the face of the country and of their constituency, he could not but congratulate himself on being one of the first to assert the principle in that House. The first result of the establishment of that principle was to demonstrate that the Church of Ireland must be immediately and materially reduced; and accordingly the form and manner in which that reduction should take place was set forth in the fifty-eighth Clause of the Bill, which provided for the sequestration of all livings in parishes where there were not fifty resident Protestants. He thought that the Government had there drawn a fair and unexceptionable line. He thought so in spite of the declarations which had been made in that House and elsewhere as to the number of places which, in consequence of such a provision, would be left without the means of receiving any spiritual instruction whatever. There never was an assertion which those who made it knew to be more completely unfounded than that. So far from seeing any thing in the Bill calculated to deprive the Protestant population of the means of instruction, he was rather disposed to regard it as going too far in the opposite direction, by providing for Protestant instruction, not only under all probable, but under all imaginable circumstances. Hence he feared that the admirable principle on which the 58th Clause proceeded might be neutralized by some of the subsequent provisions of the Bill. He regarded the 61st Clause as especially calculated to have such an effect. By the 61st Clause it was provided, " That whensoever there shall appear to be in any parish any members of the Established Church, and it shall likewise appear that there is a place of worship duly consecrated, and a resident officiating minister in such parish, it shall not be lawful, in case the Church thereof shall be sequestered, to commit the Ecclesiastical duties, and cure of souls within such parish to the incumbent or officiating minister of any neighbouring parish; but in every such case a separate curate shall be nominated and licensed for such parish in the manner herein before mentioned." Now how would that operate in parishes where the Protestant population was composed of a few families only or perhaps exclusively of the family of the incumbent. There are 140 parishes in Ireland with less than twenty Protestants in them, and setting aside the 600 parishes in which there were neither churches, nor glebes, there were ninety-two parishes with churches, glebe-houses, and resident incumbents, which had less than thirty Protestants in each. In each of these parishes, according to the provision of the 61st Clause, a separate curate must be appointed. That, in his mind, was a great defect in the Bill; and the inevitable result of it would be to reduce the surplus considerably below the point at which it had been calculated. He wished to see a fairer line drawn between the provisions of the 58th and 61st Clauses of the Bill. Where there was not a Protestant population, he did not see what necessity there was for a Protestant Church. He did not believe in what the hon. Member for the University of Oxford (Sir R. Inglis) called the expansive force of Protestantism. The next point to which he objected in the Bill was the great discretionary power which it was proposed to give to the Lord-lieutenant. He objected to the delegation of so great a power to any person whatever. He had every reason to suppose, from what he knew of the noble Lord who now filled the office of Lord-lieutenant of Ireland, that he would exercise any power intrusted to him fairly and justly: but the powers proposed in this instance to be conferred were so great, that unless Parliament fixed definitively the point at which reduction should positively commence, he feared the whole object of the Bill might be neutralized, if it should fall into unfriendly hands in the person of the Lord-lieutenant. He objected, therefore, to the 60th, 61st, and 70th Clauses, all of which gave great discretionary powers to the Lord-lieutenant, both as to the appointment of ministers and the amount of salary they should receive. He would not quarrel with the principle of universality as laid down by his noble Friend below him—that principle, which said that there should be no part of the country which could be regarded as out of the pale of the Established Church; but he must say, that he regarded the *5l.* which under the provisions of the Bill, might be distributed in 150 instances to the officiating ministers of adjoining parishes for looking after the spiritual wants of other parishes in which there was a single Protestant resident, as money completely thrown away. Another point to which he objected, was the preservation of the whole staff of the Irish Church. He thought that one Bishop for every province in Ireland, with 4,000*l.* a-year, and an Archbishop for the whole country with 6,000*l.* or 7,000*l.* a-year, would be amply sufficient. If he went into any argument upon the point, he might say that the whole Protestant population of Ireland, amounted only to 800,000 souls. that there was double that amount in the diocese of London alone, for whose spiritual government there was but one Bishop, and that in the new diocese of Manchester which the Ecclesiastical Commissioners proposed to establish, there would not be less than 1,200,000 souls. He for one, therefore, could not perceive any necessity that existed for preserving so large a number of Bishops in Ireland, nor did he see any thing irreligious in extending the provisions of the Church Temporalities Bill, to reduce the number of Bishops to the lowest possible amount consistent with a proper episcopal superintendance of the Church, and to appropriate the revenues of the reduced bishoprics in aid of the fund provided for the parochial clergy, and for the advancement of the moral and religious instruction of the poorer classes. He now came to the arguments advanced in the course of the last night against the Government plan, and more especially to the arguments advanced by the right hon. Baronet (Sir James Graham) the Member for Cumberland, whom he regretted not to see in his place at that time, and whose absence he confessed he was not very well able to account for, because the right hon. Baronet must naturally expect, after the language he used last evening towards his old associates—after the bitter reproaches he had thrown out against them—after the deliberate accusation that they were guilty of a sacrilegious violation of the rights of the Church—after the application of such terms to those with whom he formerly acted in concert, the right hon. Baronet must naturally have expected that the first person who rose this evening would be anxious to reply to him. In the absence of the right hon. Baronet, therefore, he should not be prevented from using every argument he should have felt it his duty to use had he been present. He would not use any stronger terms than he should have used in the right hon. Baronet's presence; but his absence on the occasion should not induce him to abstain from commenting on the right hon. Baronet's speech in the terms which he thought it deserved. His noble Friend (Lord Howick) said, he had listened to that speech with astonishment.—[*Here an hon. Member on the Opposition side made an observation* ]—The gallant Officer opposite said, that the noble Lord replied to it. The noble Lord did reply and replied to it most admirably. But, at the same time, he (Mr. Ward) admitted at once that the right hon. Baronet's speech was a speech of no ordinary length, of no ordinary proportion, not hastily prepared, and therefore not hastily to be answered. The noble Lord (Howick) said, that he had listened to the speech with astonishment. He (Mr. Ward) had listened to it with more than astonishment; he would not use a harsh term, but he would say he had listened to it with grief, with grief to see a man, whose name had been attached to measures of Reform and liberal improvement, so completely apostatised from his party, as to hold in that House sentiments of the most narrow-minded and bigoted fanaticism. In his speech of last night, the right hon. Baronet unsaid all that he had previously asserted in the course of his political career. The right hon. Baronet knew full well that we never could expect stability in the order of affairs in Ireland or in this country until the Irish Church Question was settled; yet he last night held language utterly at variance with that knowledge, and in which, as if not satisfied with his own apostacy, he took the opportunity of alluding invidiously to those with whom he formerly acted; and all this the right hon. Baronet did with the word "toleration" constantly on his lips. He thanked God, that his views of toleration were very different from those of the right hon. Baronet. He took his principle of what really constituted Christianity and toleration from a very high authority; and as the right hon. Baronet (Sir James Graham) was indulged by the House in reading more than one passage which he conceived to bear on his argument, he trusted the House would indulge him by listening to one extract from a work of one of the most distinguished ornaments of the Established Church—he alluded to Bishop Watson. Bishop Watson said, "By Christianity I mean, not that a man should pass his life in theological controversy, or perplex himself in estimating the worth of the several systems of faith with which the Christian world has unhappily been oppressed, but that he should be habituated to consider the Gospel as containing a rule of life, which nothing should ever induce him to disparage or neglect. I scruple not in giving the name of Christian Churches to assemblies of men uniting together for public worship, though they may differ somewhat from each other in doctrine and discipline, provided they all agree in the fundamental principle of the Christian religion, that Jesus is the Christ, the Saviour of the world. Each Church is apt to impute not merely error, but crime, to every other Church. This imputation I think extremely wrong. It is judging another man's servant. It is assuming dominion over another man's faith. It is presuming that we are rendering God service, when it may be that we are merely supporting our own prejudices, flattering our own self-sufficiency, and paying homage to our own intellectual pride." That was a definition of Christianity in which he (Mr. Ward) most cordially concurred, and he wished the right hon. Baronet had gathered his principles of toleration and his conception of the Christian religion from the writings of Bishop Watson. A question had arisen as to the opinions of the people of Scotland, and the right hon. Baronet had quoted the declaration of the Synod of Dumfries, as speaking the sentiments of the Church of Scotland, a declaration which he (Mr. Ward) would say was even more fanatical than the speech of the right hon. Baronet himself. But how was it shown that the people of Scotland held the same opinions as this Synod? They saw that thirty-five out of the fifty-three Members for Scotland voted on most occasions with the present Government. These were not the representatives of small burghs, but the representatives of the large commercial and manufacturing towns—of the city of Edinburgh, which had returned the Speaker of that House and the Attorney-General of the present sacrilegious Government. God forbid that he should so belie the sentiments of that liberal and enlightened nation, as to say that they were fairly represented by the miserable address from the Synod of Dumfries, to which the right hon. Baronet had referred? What was the Synod of Dumfries? How was it constituted? Was the House aware that thirty of its members were actually appointed by the Duke of Buccleuch? Such was the fact; and it was his firm belief, that the address to which they had pledged themselves was not an address of their own manufacture. He believed it was sent up from somewhere about this quarter of the country. It smelt of the South. It savoured strongly of Exeter Hall. If it were submitted to the other Synods of Scotland, with a fair description, not a calumnious description, but a fair description of the provisions of the present Bill, he believed it would be universally repudiated by them. To his great astonishment, also, the right hon. Baronet had quoted from the works of Mr. Cobbett; and certainly the quotation was not a very happy or a very appropriate one. The right hon. Baronet quoted Mr. Cobbett for the purpose of supporting the opinion, that tithes were as much the property of the Church as family estates were the property of a gentleman. Now the misfortune of quoting from Mr. Cobbett was, that if in one place he had asserted a particular opinion, with a little industry one might almost always find a direct answer to it in another. If the right hon. Baronet were ready to make one admission, and that was, that Mr. Cobbett, like himself, grew wiser as he grew older, and that his last opinion, therefore, was infinitely more valuable than his first; if the right hon. Baronet would admit that, he (Mr. Ward) would take the last work of Mr. Cobbett, which he entitled, "A Legacy to Parsons," and would quote a passage, which he thought afforded a pretty good answer to the proposition advanced by the right hon. Baronet. Mr. Cobbett said, "The great question now at issue is this: has the Parliament the rightful power to assume, to take possession of, and to dispose of the tithes and all other property commonly called Church-property, in whatever manner it may think proper?" And further on, he answered the question thus: "We are now going to see, that to tithes, to oblations, to Bishops' lands, to anything that you possess as clergy of the Church, you have no prescriptive right, any more than the Duke of Wellington has to his estate of Strathfieldsaye, which he possesses in virtue of an Act of Parliament, and solely in virtue of that Act of Parliament." The argument of Mr. Cobbett was, that what the law constituted, it could change; but the argument of the right hon. Baronet (Sir J. Graham) was, that what the law constituted, no law could change.

Lord *Stanley* was understood to ask, what was the ground of the Act of Parliament that settled Strathfieldsaye on the Duke of Wellington?

Mr. *Ward* replied, that the ground of that Act still subsisted. That ground was the national gratitude; and he admitted it would be unjust to repeal that Act.

Mr. *O'Connell* observed, that the Duke of Wellington might forfeit the property given to him by the public will; and that Parliament might take it away from him.—[*Cheers from the Opposition.*]

Mr. *Ward* did not mind those cheers. He would repeat, that it would be a most unjust act to take that property away from the Duke of Wellington, because the reasons for which it was granted were still subsisting; but the question was, whether the original grounds on which the Church-property in Ireland was held by that Church did any longer subsist? It was not enough to say, that originally there were grounds for the Church holding this property. He called upon the right hon. Baronet and the noble Lord opposite to make out a whole case, and not to rest upon half a case. Let them prove to him that those grounds which originally subsisted did still subsist. He would contend, that a state of things had arisen in Ireland which could not be healed without trenching upon the property of the Church. It was the inalienable right of the Legislature to effect a settlement by an interference with that property, if the peace of Ireland could not be attained without it; and in attempting to effect that settlement, the Legislature was bound to attend to the interests, not merely of the clergy, but of the community at large. The right hon. Baronet had also argued, that the whole fee of landed property in Ireland was vested in the Protestants, and that as the revenues of the Church came out of the property of the owners of the soil, and not from the occupiers, it was the most unjust thing in the world for the Catholic community to complain of it. Now, if the Establishment was in fact supported by the property of the Protestants, then he would say, let the Protestants take upon themselves the whole charge of the Church, and that would settle the question at once. They then might make what provisions they thought necessary for their own wants. He should be perfectly willing to make that bargain with them. It would most certainly be a much better mode of settling the question than the mode proposed by the right hon. Baronet (Sir James Graham), who wished the House to adopt the old system of building churches and glebe-houses, of sending out parsons to convert Roman Catholics to Protestantism, and all the other means that had been formerly taken to uphold the Established Church in Ireland. But why, he would ask, go back to this obsolete system? Did not the right hon. Baronet know that it had cost this country no less than 1,400,000*l.* from the time of the Union up to the year 1825, to carry on that system, when the grants were suspended in consequence of the recommendations contained in a Report made to the House of Commons on the subject, which pointed out its inefficiency? This expenditure, too, in support of that system, was going on at a time when every other country was outstripping us in the great work of national education. Let them look at the case of Prussia, where they might see in practice the very principle, to the support of which the Government of this country were desirous of devoting any surplus of the Tithe Fund which might be found to subsist after providing for the legitimate wants of the Protestants in Ireland. In Prussia there was a population of 12,000,000, of which 7,000,000 were Protestants. In that country, there were no less than 1,664,218 children actually receiving education in the Government schools from the general funds of the nation. "The masters and inspectors," said the law, "must most carefully avoid every kind of constraint, or interference with the children on account of their particular creed. Protestants and Catholics were received in the same schools, and even Jews were allowed to send their children to those schools; and private religious instruction was to be given to the children as their parents might desire. They were merely instructed in those principles in which Christians of all sects could concur. So great was the care not to impede the progress of instruction in any way, that it was stated that no particular books or mode of tuition were prescribed, in order to impose no shackles upon the constant onward course of improvement. This was the very system which the noble Lord opposite (Lord Stanley), so much to his own honour, had introduced into Ireland, and which he (Mr. Ward) believed was working very well there. He wished to see that system continued, in order that all those religious animosities, which a contrary system was calculated to cherish, be entirely done away. He now approached the last part of the subject on which he was desirous of addressing the House. He had made some general observations on the provisions of this Bill; and had also taken a brief notice of some of the arguments advanced by the right hon. Baronet, the Member for Cumberland. He had now only to allude to the mode in which the right hon. Baronet, the Member for Tamworth, proposed to deal with the Bill, by dividing it into two separate Bills, and to give to each of those measures a separate consideration, so that the House might pass them separately into a law if they felt it right to do so, or else to reject one of them and adopt the other. He readily admitted the admirable skill with which the right hon. Baronet left out of sight all the real objections that could be urged against his proposition. He admitted the power with which the right hon Baronet had laid before them those visions of peace and conciliation to arise from the adoption of his proposition, which nobody better knew than himself could never be realized. He (Mr. Ward) looked at the question in this point of view—the Legislature had to deal in Ireland with an evil of long existence, and most grievous in its operation. No half measures could remove that evil—no palliatives would be of the slightest avail. They must probe the wound to the bottom, if they hoped to operate a cure. But this a mere commutation never could do. A commutation, without a change in the distribution of the revenues of the Irish Church, was worse than useless. It was a cruel mockery, carried to a cruel excess. How could the right hon. Baronet expect to reconcile a commutation alone to the 895 parishes which were without fifty resident Protestants, or to the 496 parishes which were without twenty Protestants, or to the 150 parishes which were without any Protestants or any Protestant Church at all? What would it matter to the people of those places, as to the shape or mode in which the money was paid, provided they were compelled to pay it in some shape, without receiving any spiritual instruction for it whatsoever? Upon what plea, or upon what ground, he would ask, was the House to stultify itself by rescinding its former resolution—a resolution come to a very short time ago—which stated "That it was the opinion of this House that no measure on the subject of tithes in Ireland could lead to a satisfactory and final adjustment, which did not embody the principle contained in the foregoing resolution"—the resolution referred to, moved by his noble Friend, the Secretary for the Home Department, expressly stated that any surplus of the Church revenues in Ireland, not required for the spiritual care of its members, should be applied to the moral and religious education of all classes of the people, without distinction of religious persuasion. He need not remind the House that that resolution terminated a most severe and memorable struggle within those walls. It was that resolution which drove the right hon. Baronet from the head of the Government; it was that resolution which constituted the vital and essential distinction between the Melbourne Cabinet and the Cabinet over which that right hon. Baronet presided. Why, then, were they to rescind it? Why were they to throw themselves open to so gross a charge of inconsistency, and to proclaim to the world that a struggle, which had convulsed this country from one end of it to the other, and which might soon possibly convulse it again, was a mere struggle for party purposes. What! party purposes? If ever there was a struggle in this or any other country for a great and vital principle, that was the struggle. But at all events the noble Lord who so loudly cheered (Lord Stanley) was the very last person in the world who ought to dispute that point. Upon what principle, he would ask, did the noble Lord retire from Earl Grey's Government? It was that principle which, unassisted, alone, and by its own intrinsic and irresistible force had broken up two Administrations already, and would most assuredly break up two more, if the attempt here or elsewhere to defeat this Bill should be successful, and lead to the formation of an Administration hostile to the principle on which it was founded. If those who now resisted that principle, whether in this House or in the House of Lords, should succeed, and upon the strength of that success again attain power, he would tell them that they would not—could not—hold that power for three short months. They might appeal to the people: he feared it not. The people of England were unquestionably in favour of the principle involed in the resolution of this House, and of those legitimate changes which his Majesty's Government were desirous to effect in the Establishment of the Irish Church. They were tired of these endless discussions, and anxiously wished that this matter were fairly and finally settled. He believed that the adoption of this Bill afforded the only chance of effecting that settlement. Let them look at the position in which the House would place itself, if they rescinded this resolution. This point was adverted to by the right hon. Baronet the Member for Cumberland last night; but he, as being a late Member of the Government, was probably under some restraint; but he (Mr. Ward) could address himself to the subject as an independent Member, and he would say that if they receded from the principle of this resolution, they would stultify themselves, and put the arguments into their enemies' hands, and give up all hopes of ever settling this great Question. As the rights of the Legislature on this Question now stood, the consent of the House of Commons was necessary to any settlement of it, because there was a million of money involved; which had been partly and which was still partly to be granted to the Clergy of Ireland. Suppose this House should at once consent to that grant, and the other branch of the Legislature should then so alter this Bill as to enable the Irish Clergy to hold their livings in the manner they now held them, did the House believe that they should ever have any change in the appropriation of the Irish Church revenue? They knew what was the feeling entertained upon this subject by the noble Lord opposite (Lord Stanley), and by, he might say, an innumerable body of Lords who were Members of the other House of Parliament. They advocated their own principles, and so did the majority of the Commons. Why should this House concede to them? "We, the Commons of England" concluded the hon. Member, "consent to a compromise—to a sacrifice of this million—upon certain terms, and upon a certain understanding; and that understanding is, that that million shall purchase a final and a fair settlement of this Question. But the right hon. Baronet opposite proposes that we shall make the sacrifice without obtaining the result—to pay for the cure, and yet perpetuate the disease? He proposes that we should, by our own hands, and by our own act and deed, furnish the only means by which the existing system can possibly be bolstered up. To that proposition I, for one, will not consent. It would be unwise, undignified, dishonourable, for the House of Commons to do so. I say dishonourable—because the House is pledged to apply a remedy to the existing evils. Indeed it is doubly pledged to it—pledged, indirectly, on the Motion of the hon. and learned Member for Dublin upon the repeal of the Union—and pledged by the more recent Resolution which distinctly bears upon this Question. If we give up the point respecting the million advanced to the Irish clergy, without obtaining a settlement of this Question, a settlement of it never can be obtained. Were we afterwards to send up a Bill to the House of Lords on the subject of appropriation, it would be no sooner sent up than scorned. I ask, then, is it wise, is it prudent, is it safe (setting aside all other considerations involved in this Question) to permit the existence of a constant source of irritation, and of difference between the two branches of the Legislature? Is it safe to trust to time, to circumstance, to chance, the settlement of a Question which is now in our hands, and in our power? You tell me that, by insisting on sending up this Bill to the House of Lords, we shall run the risk of a collision. I am no friend to a collision; I am no friend to agitation. I wish sincerely to see the great and best interests of this country promoted by the settlement of this great Question. I wish to see something like stability in the Government of this country; but I know you never can have that stability until this Question be finally settled. I look with horror at the idea of trusting the settlement of this Question to chance, and to time; and to leave the Irish people, who are now in a state of sanguine expectation, with their hopes chilled, and their feelings goaded by constant irritation, into an attempt to cut the knot themselves by violent means. I do not charge the right hon. Baronet with contemplating any such result; but I do, notwithstanding, hold that nothing less than an aggravated state of irritated feeling can follow the disappointment of those hopes that are now excited in the minds of the Catholic people of Ireland. I, therefore, most strongly urge upon this House the necessity of at once going into Committee on this Bill, undivided in its provisions—of discussing it fairly and calmly in that Committee—and of trying to come to some understanding respecting it. But, at the same time, I also urge upon the House the absolute necessity of refusing to attempt any other settlement of the Question, than that which will connect a change in the appropriation of the revenues of the Irish Church with a change in the mode of collecting those revenues.

Sir *Robert Bateson* complained of the personal attack made by the hon. Member for St. Alban's upon the right hon. Baronet, the Member for Cumberland, whose able speech last night was as excellent in the principles it laid down as it was unanswerable in the arguments upon which those principles were enforced. He thought it would have exhibited much better taste if the hon. Gentleman had reserved that personal attack until the right hon. Baronet had been in his place to defend himself. It was, however, needless for him to undertake the defence of the right hon. Baronet's speech, and he should leave it to others who were better able than himself to perform that task. He did not wish to say, anything of irritation, but he must say, that the violent personal observations (couched perhaps in strict Parliamentary language) in which the hon. Member had indulged against another hon. Member who was absent, were unusual, and of a character which he regretted had received the cheers of a portion of the House.

Mr. *Ward* explained. He moved the adjournment last night, therefore he had no reason to suppose that the right hon. Baronet would not have been in his place to-day. But seeing the noble Lord, the Member for North Lancashire, present (Lord Stanley), who was associated with the right hon. Baronet, he thought he was not justified in losing the argument which he wished to urge in consequence of the absence of the right hon. Baronet, however he might feel himself called upon, by reason of that absence, to refrain from urging it so strongly as he otherwise might have done.

Sir *Robert Bateson* said, that, notwithstanding the explanation of the hon. Gentleman, he must still express his disapprobation of the mode in which his personal observation upon an absent Member had been cheered by hon. Members on the other side of the House. With regard to the Question now under consideration, he begged leave to state why he should give his vote in favour of the Amendment proposed by the right hon. Member for Tamworth, as conscientiously and consistently as any vote which the hon. Member for St. Alban's had himself ever recorded. He conceived that this measure was not that which it had been described—a measure of peace and tranquillity to his unfortunate country. He could not bring himself to believe otherwise than that it would be a means of continuing religious animosities, and that the end would be to create civil and religious warfare, and, perhaps, rebellion in Ireland. Such, he anticipated, would be the result if his Majesty's Government persisted in their course of conduct towards Ireland. If that course were pursued, what would be the fate of Irish Protestants, against whom, as it seemed to him, there had long been directed a systematic attempt to put them down? That system had been pursued now for a very considerable time, and this Bill was part and parcel of the system of which the Protestants of Ireland had so much reason to complain. His Majesty's present Government, pushed forward from a pressure from without, were about to adopt measures which would have the effect and tendency of destroying Protestantism and establishing popery in Ireland. As to the proposed appropriation contemplated by this measure, he would merely observe, that the able, argumentative speech of his right hon. Friend, the Member for Tamworth, had shown that there would be no surplus fund to appropriate, and, therefore he thought that part of the argument need no longer be dwelt upon by him, and the more especially as he had not heard, even in the speech of the right hon. the Chancellor of the Exchequer, or of any hon. Member who had spoken from the other side of the House, any arguments which went to show that there would be a surplus. For himself, he would say that he could not see from whence the supposed surplus was to proceed. The right hon. the Chancellor of the Exchequer had charged hon. Members on his side of the House with being new converts to reform. He, however, could not be attacked by that charge, for he had always been an advocate for real, efficient, and useful reform in the Church of Ireland—he had always joined in the claim for an abolition of sinecures and pluralities, and he had always deprecated the system of translation of the Bishops. He had, however, always wished that the Irish clergy, who in that House had been most foully calumniated by hon. Members who, though they had spoken with so much strength, knew but little of Ireland, whatever might be their knowledge of Prussia and other European countries, should be properly remunerated for their useful and efficient services. He did not believe that there was in the world a more learned pious, or benevolent set of men than were the clergy of the Established Church in that country. He knew something of Ireland, and he could state that this plan of annihilating so many parishes would produce the evil, beyond the injury which it would inflict upon religion, of depriving the Irish population of the advantage which flowed from the residence among them of so many of the clerical gentry who were the dispensers of charity to the poor and afflicted. With regard to what had been stated by the hon. Member for St. Alban's, as to the numerical strength of the Irish Members being in favour of this Bill, he begged to tell the Irish Members opposite, who professed to represent the feelings and wishes of the Irish people, that though their numbers might be greater, yet, that he and those who thought with him on this topic represented as much of the intelligence, the property, and the respectability of Ireland, as did the numerical majority on the other side. That was his opinion, and no ironical cheers from any quarter would induce him to change it. An hon. Member opposite who spoke on a former night, (Mr. Walker) had expressed his approbation of this measure as a means to Christianize the Irish Protestant Church. The hon. Member had done well to state that he was himself a Protestant, or no person would have supposed such to be the case after such a statement. If that hon. Gentleman thought the Protestant Church required Christianizing, it would be most consistent with Christian principles if he at once withdrew from that church. The hon. Member for St. Alban's had thought proper to attack the right hon. Member for Cumberland, for making what he termed a lengthy speech. Now, the hon. Member, whose modesty was proverbial, had himself made a longer speech. The noble Lord, the Member for Northumberland, had last night talked of the enormities of the Protestant Church. He thought it would be much better for the cabinet at once to say, let us extinguish this Church as an Established Church. That would be a more manly straightforward way than for a calumniator to profess attachment to it, while at the same time they were doing every thing in their power to subvert it. He could say, that the speech of the noble Lord was the most extravagant he had ever heard, or that had ever emanated from the bench opposite. The sentiments he uttered might have been suitable to the bench behind the noble Lord, or to the mob oratory of the Corn Exchange in Dublin, but were most mischievous, coming from the source they did, when uttered in that House. He was surprised to have heard from the noble Lord something like a threat that a certain individual might, if the House did not deal that justice which he required, utter his denunciations when that individual, whose power was greater than that of the noble Lord, or, indeed, the whole cabinet, returned to Ireland. He believed in his heart, that the fear of that individual's censure was the cause why the noble Lord and his associates in the cabinet were driven to the lengths they were. The noble Lord had also told the House that the landlords of Ireland might be refused their rent on the rejection of this measure—that threat had also been held out by the noble Lord in his extraordinary speech, and would go forth to the misguided people of Ireland, and serve them as a hint to adopt that system of passive resistance to the payment of rents which had been successfully made by them in respect to tithes. He must say, that it was with great dread and apprehension that he heard the noble Lord make use of such language. Such a speech he could not thing was consistent with the wisdom of a cabinet Minister. He confessed it was with very great dread and apprehension that he heard such sentiments as had fallen both from the noble Lord and the hon. Member for St. Alban's, and especially when he placed them in connexion with other expressions uttered in another place by the individual who held the responsible situation of Prime Minister of this country. When that individual talked of the plunder and confiscation made in the times of Oliver Cromwell and Charles 2nd, he (Sir R. Bateson) construed it into a threat, which implied something of precariousness to the property of the landlords of Ireland. Were the Members who agreed with him (Sir R. Bateson) to be frightened into the adoption of a measure which they deemed bad by such threats as these? An hon. Member had already alluded to the numerical strength of the Irish and Scotch Members, in favour of this Bill. However that might be, he was satisfied that the majority of the English Members would never pass this Bill through the House; and he would further say, without meaning any offence, that in his opinion the present question was one upon which the Roman Catholic Members ought not to give a vote. He might be denounced as a bigot and a fanatic —he might be held up to execration, here and elsewhere; but such was his honest opinion, thus spoken fearlessly and independently. It appeared to him that hon. Gentlemen had entirely forgotten that in the province of Ulster a different religion prevailed from that of the other three provinces, and it had escaped from their memory that it would be unfair to leave the Irish nation to the views of the numerical majority of the other three provinces. That appeared to him to be the drift and the result of the argument of the hon. Member for St. Alban's. To that effect he had understood the hon. Member's argument. With respect to Strathfieldsaye, the hon. Member had said that Strathfieldsaye was a gift from the nation, and could not be taken away because the owner was still alive. He would ask the hon. Member if he would apply that principle to the Blenheim property and because the illustrious Duke of Marlborough was not now living, the property was to be taken away from his heirs and successors. If that was a specimen of the hon. Member's liberality, he (Sir R. Bateson) felicitated himself that he did not belong to the same school. With all deference to the hon. Member he must say, that however great the information of the hon. member might be as to South America, Prussia, or any other foreign state, he knew nothing about Ireland. The real efficient reform which was desired by the people of Ireland, Protestant, Roman Catholic, and Presbyterian, was not the destruction of the Church, but the removal of such abuses as might have crept in. This Bill, instead of being a reform, would prove to be a premium for the assassination and destruction of Protestants in Ireland. With regard to the measure, he must say, that it would not lead to the tranquillity of his country. It was not introduced with a view of bettering the condition of religion. It was merely a political measure, brought in for the sake of gaining the support of a powerful party in that House—by whose means alone his Majesty's present advisers could retain their places for a single hour.

Mr. *Sheil* said, that the hon. Baronet who had designated himself as the representative of the intelligence of Protestant Ireland, and afforded such proofs of his capacity to fulfil the functions which he was deputed to discharge, had in the conclusion of his speech, contradicted the commencement. The hon. Baronet had referred to a powerful party by which the Government were supported, and yet in the outset he had spoken of the Irish Whig Members in a tone of depreciation. Surely the hon. Member must know that not only were they the great majority of the Irish representatives, but that there were many, very many among them who enjoyed large possessions, and were men of station equal to that of the hon. Baronet; and, after all, must he not feel, that whatever might be their individual qualifications, their votes were of weight—that their numbers were not likely to decrease (quite the reverse), and that it was for serious consideration, whether it would long be possible to withstand the adjurations for justice which they addressed to the House of Commons. He must say, that he approved of this Bill because it contained a great principle—that principle of which the germ was to be found even in the Temporalities' Bill, and which the noble Lord opposite had had the merit of establishing. [Lord *Stanley:* No, no.] That Bill contained a Clause providing for the suspension of benefices. [Lord *Stanley*: For what purpose?] Some people take the will for the deed—he would take the deed for the will. He cared not for what purpose; the fact was sufficient. Districts in Ireland under that Bill were to be left without a clergyman. The few Protestant inhabitants were thus, *de facto*, deprived of the benefits of spiritual consolation. From these premises, in fact, a conclusion in principle was to be drawn; and he cared not, if the premises were admitted, whether the inference should be disputed by one so deeply concerned in its denial. He would, however, pass to the Question before the House. The Motion was selected as the ground on which the combined (strangely combined) opponents of the Government were to try their strength. No stand was made on the Corporation Bill; the Conservatives had the virtue not to resist what they had not the courage to propose. But on the Irish Church, prejudice might be excited, fanaticism might be kindled, misrepresentation might be diffused,—accordingly round the standard of sinecurism a rally was made, and an alliance (a holy one) was formed between the Conservative party (whom no one could fairly blame) and the ex-Reformers, the antagonists of their old friends, and the friends of their old antagonists—dealers in pious philippics and religious intrigue. To popular excitement, connected with the old horror of Popery, it was manifest that these united forces were looking; but they would find (to use a phrase of the right hon. Member for Tamworth) that they mistook the echo of their own delusions for the confirmation of public opinion. Where were the petitions of the people? Had even the Cumberland yeomen stirred. They had heard of a declaration from a fanatical Scotch Synod, but from the mass of the Scotch people had any remonstrance been preferred? How did the majority of Scotch Members vote on the Resolution on which this Bill is founded? No, the people of that country looked to this Government with a confidence which appeals to antiquated theology could not disturb. They saw, that in the short period during which the Ministers had held office, they had carried one of the most important measures of Reform, which had ever yet been propounded; that they had carried it without the aid of the Members for Cumberland or Lancashire—without whom it now appeared possible that a Government could go on; and seeing such practical benefits already effected, they would listen with incredulity to those whose zeal for religion was not a little heightened by their emotions as partizans. The English people saw into the expedients which were adopted by the champions of the Establishment. Of these expedients a very signal specimen was last night afforded. Why was an extract from Clarendon read by the right hon. Baronet? Was it to produce an impression in the highest quarter? The right hon. Baronet produced the passage in which the downfall of the monarchy was referred to the exclusion of the Bishops from the House of Lords. Now, this very passage was adverted to in 1831 by Mr. Croker; and what was the reply of the noble Lord, the Member for Lancashire? These were his words:—"At length, when Charles wanted to force episcopacy upon Scotland, he was forced to call together that Parliament which he had for so many years endeavoured to dispense with. But they knew him too well to put any trust in him. When he spoke of subsidies, they spoke of grievances; and when they properly refused them without better security than promises, the insincerity of which they were convinced of, he had recourse to a prompt and abrupt dissolution, and thus added wanton insult to continued injury. He was soon again compelled to call them together. Again he thought to temporise, and again he met the same resistance; and his tyranny ended, as I hope tyranny ever will end, in base, and timid, and degrading concession." Such was the account given by the noble Lord opposite, a great orator, in reply to a most valuable historian, of the causes which led to that event which the Member for Cumberland has attributed exclusively to the fall of the Church. But since citations from Clarendon were indulged in, he would presume to read one from Rapin, which bore at least as immediately upon the subject. Speaking of the Church abuses in the reign of Henry the 4th, he says—"The King demanded an aid of money of the Commons, who took occasion from them to renew their former instances with regard to the clergy. Wickliff's doctrine had gained so much ground, that the majority of the House of Commons leaned that way. Thus biassed, the Commons presented two petitions to the King—one against the clergy, the other in behalf of the Lollards. In the first they set forth, 'That the clergy made an ill use of their riches, and consumed their incomes in a very different manner from the donors' intent; that their revenues were excessive, and, consequently, it was necessary to lessen them; that by this means the kingdom's safety would be better provided for, the poor better maintained, and the clergy more attached to their duty.' The clergy considered the petition as tending to undermine all religion. This was industriously insinuated to the King, with all the aggravation which parties concerned are capable of displaying on such an occasion." This passage he referred to in order to show that the doctrine of secular appropriation was not new, and that Catholics were prompt to apply it to their own Church when the occasion required. He should return to the matter more immediately before the House. The course pursued by the opponents of this Bill was remarkable. After the second reading they oppose the principle, before the Committee they criticise the details. They opposed the Bill of last year on the second reading, although it did not contain the appropriation clause. The present Bill contained an appropriation clause, and much besides which was condemned—nothing which was approved; yet the second reading passed without either a division or a comment. Everything was objected to; they who would have cut 25*l.* per cent from the incomes of the clergy, complained of a subtraction from tithes; and the great author of the metallic currency, who had reduced rents to one-half, thinks that the Church ought not in its finances to be affected by the revolutions of Mark-lane. It was insisted, that there would be no surplus. If there were not, no practical harm would be done to the Church; but the recognition of the principle would be a just and conciliatory tribute to the reasonable feelings of the Irish people. But how did the right hon. Baronet make out that there would be no surplus? He had expatiated on the poverty of the Irish Church. Why did he always refuse a Committee on the subject? It was repeatedly proposed by the hon. Member for Middlesex. The right hon. Baronet stated, that the revenues had been exaggerated; but what test would he employ to ascertain, then, what was the amount of the Bishops' revenues? The right hon. Baronet said, that they did not exceed 130,000*l.*, a-year; but their amount really was 150,000*l.*, as returned by the dignitaries themselves. Whether this ought to be conclusive he would not determine; but he knew, that in calculating the net income the Bishops had deducted agents' fees and all expenses incidental to the collection of their fortunes. He knew that the income of the Archbishop of Armagh, was now 17,000*l.* a year, would rise to 23,000*l.* a year by his own return, and that neither this increase, nor any other, was included in the 150,000*l.* It was stated, that the glebe lands of Ireland were worth only 70,000*l.* a year. Even the right hon. Member for Tamworth had stated, that Lord Althorp had underrated the value of the glebe lands. They amounted to 85,000 Irish acres (five Irish make eight English). Most glebes have good houses on them, and 12,000*l.* a year was not an exaggerated estimate. But why had not a return of their value been obtained? Again, on what authority was the amount of Ministers' livings set forth? He came to a most important item, which illustrated the spirit of depreciation, with which the wealth of the Church was reduced by its advocates. He held a Return of the amount of the property of the Minor Ecclesiastical Corporations. It was stated to be 57,000*l.* a year. At what sum did Lord Althorp, before that Return was made, estimate this portion of the Ecclesiastical possessions? At 20,000*l.* But it was alleged a large portion of that sum was applicable to the reparation of cathedrals. Granted; but still was it not Church property? and was it not most unfair to exclude it from the account. But were the surplice fees not to be mentioned? They were not fixed permanent property; true;—but in estimating the means of livelihood of the clergy, we must take this item of sustenance into consideration. Thus it was manifest that there never had been a just and full account of Church property; and if there had not, the blame lay with those who had refused Committees, and would never give the House access to the true sources of information. He would venture to say, that if to-morrow a Committee was moved for on the Irish Church, it would be opposed by the Conservatives and their associates. But the real object of the opponents of the Bill in the course which they had adopted, was, by running into collateral topics, to lead away the attention of Parliament from the single question, whether the Resolution passed deliberately by the House should be rescinded. That Resolution had nothing to do with details. It affirmed a great principle; and the Conservatives having been flung by that Resolution out of power, endeavoured by indirect means to nullify it, and render it of no avail. But to that Resolution the House would adhere; and if the Bill should return from the Lords mutilated in that essential particular, this House would repudiate the wretched fragment of the measure which might be thus returned. That Resolution was passed without the Report. The Report gave it the strongest corroboration. It had changed the opinions of the Member for Berkshire, who made a great sacrifice of his personal feelings, and his parliamentary attachments, to his duty. To the leading features in the Report, and to no other, he should refer. What had become of the three millions of Protestants, of which the Member for the University of Oxford had so often said so much? There appeared to be only 852,000 Episcopal Protestants in Ireland, and even they included the Methodists, who were attached by so slender a tie to the Church. In the province of Armagh (the north of Ireland), the fortress of orthodoxy, there were upwards of 600,000 Presbyterians, and there were not 600,000 Episcopal Protestants. What inference did he draw from thence? This; that the allegation that the Church was the tie between England and Ireland was a fallacy. The Presbyterians were attached to England; they were hostile to the Church (so said the Moderator of the Ulster Synod, Mr. Montgomery): the conclusion was obvious; England did not need the Church treasure to fill the military chest, out of which the garrison of Ireland (the Irish Protestants) were to be remunerated for their mercenary allegiance. Thus far for the north: descend to other districts. He would take one only—the province of Tuam. What was its Ecclesiastical wealth? The Returns showed, that the Episcopal revenue in that province amounted to 22,000*l.* a year at the least. The glebe lands, prebendiary revenue, and tithes amounted to at least 100,000*l.*, including the first item. He believed, that it was much more. This was a large sum. Now came the question, "how many Protestants were there in the province?" There were 1,100,000 Catholics, and what would the House think? 300,000 Protestants? No; 200,000? No. One? No, no; only 45,000. Gracious God! 100,000*l.* a year for the "spiritual consolation" of 45,000 Protestants! This was in itself most gross; but contrast made it monstrous. Turn from Tuam to a neighbouring country. Not France, because there was a foolish notion that the French are infidels, and therefore no analogy could be derived from their example. Turn to a country just near you, where there is great zeal in religion—a zeal which Protestants might regard as almost equivalent to fanaticism; turn to Belgium, the ally of England for which she had sacrificed so much—the Catholic country with a Protestant King. The Catholics, after all, were not so very exacting—turn to Belgium, and what state of things did they find there? There were four millions of Catholics. What hierarchy suffices for that number? One Archbishop and four Bishops. How much money do they receive? For that, after all, was the question. Why, 17,000*l.* a-year, by which the seminaries attached to their sees, as well as their own dignities, were sustained. Gracious Heaven! The Irish primate with 23,000*l.* a-year, and the whole Belgian hierarchy, and all their establishments, with only 17,000*l.*! Pass to the priesthood. Here is the Belgian budget. He had the official document; and mark the duties of the Catholic clergy are infinitely more laborious. The practice of confession was alone sufficient to render the functions of the Catholic priest far more onerous than those of the Protestant pastor. And with this small sum religion thrives in Belgium (religion never dies except of pecuniary repletion), while the Protestant Church in Ireland, with all its wealth, makes in conversion very little or no way. But he might be told that he ought not to refer to a foreign country: be it so. He would go to Scotland. He had been invited to travel thither by the right hon. Member for Cumberland. The right hon. Member said, that some Scotch synod or other had interfered in Irish affairs. I stop not, said Mr. Sheil, to inquire into their right, or their discretion. I stop not to ask whether they or their ancestors revolted against episcopacy, and won the enjoyment of their religion with their good broad swords, and established the great principle that the Church of the minority should not live at the cost of the majority of the people. Putting these considerations aside, I ask this plain question, "how much does the Scotch Church cost?" Not certainly 300,000*l.* a-year. There are nearly two millions of Churchmen in Scotland; they have about 300,000*l.* a-year

(I really believe less) for their spiritual wants. There are in Ireland not half the number, and there is nearly three times as much money. The advocates of the Irish Church, in talking of the amount which ought to be given to a Protestant clergyman, refer to the sum paid by the Catholic peasantry to the Catholic priest. Give the parson so much out of tithes because the Catholics give so much to their priests? Out of what fund? Out of their own uncontrolled, spontaneous liberality—out of their own pockets, and out of their own hearts—proving the success—the triumph of the voluntary principle, the virtue of the priesthood, gratitude of the people, the noble moral qualities that reside in the Irish people. Yes, I speak it with pride; we maintain our priests in comfort, our hierarchy in respectability in the Christian mediocrity that becomes them; to the worship of our God we raise magnificent temples, worthy of the lofty recollections associated with our religion, and with spires "whose silent fingers point to heaven;" and when, out of our own resources, we do all this—when, paupers as we are represented to be, we have thus, unaided by the state, not only given sustainment, but a just elevation to our ancient Church, how paltry is it to Protestantism, with its enormous revenues, boasting as it does that all the aristocracy belong to it, to come here, making a poor face, and with its coffers replenished with the public gold, whining and whimpering about the wretched destitution to which it is reduced. Abandoning all metaphysical disquisitions, I proceed, not to a consideration of mere expediency, but of paramount and dire necessity, and I lay down a very plain proposition, which is this: whatever may be your inclination, you have not the ability to maintain, as it now stands, the Irish establishment. Why? because the power of the Irish people has risen to such a pitch, that, to the mistaken interest of a powerless minority, the rights, undoubted, although not undisputed, of the enormous majority, cannot any longer with impunity be sacrificed. What is the great question into which all these matters of incidental consideration really resolve themselves? The policy upon which Ireland ought to be—must be governed. At first view, this subject seems to be a wretched dispute between Catholic and Protestant—a miserable sectarian controversy. It is no such thing; it is the very selfsame question by which Cabinet after Cabinet has been annihilated—of which the Catholic question was but a part; it is the struggle for complete political equality on the part of the overwhelming majority on the one hand, and for political ascendancy on the part of the minority on the other. Can that ascendancy be maintained? Look at Ireland, and at the circumstances by which the existing state of things has been produced. I should be justified in going back half a century in tracing the growth of the popular power from its small and slender incipiency to the elevation and the extent to which it has spread itself, and has ascended. There are men now living, who recollect the time when the great bulk of the Irish people were reduced to a state to which serf-ship and helotism might be justly applied. We had no property, and we could not by law acquire it; we had no intelligence, and all access to the sources of education was denied us; we were not only excluded from every political privilege, but shut out from every honourable profession. The mass of the Irish people appeared to be a mere dull, inert, inanimate, and almost brute heap of senseless matter; yet within it the principles of vitality were contained. Those principles were by great events brought out. America was made free; the Irish Protestant Parliament asserted its independence; then came that resuscitation of nations through an apalling process, the revolution of France; but all this I pass by, and come to events much more proximate to the time, which is within the remembrance of every man in this House. There are two men in this House, who of the power of the people have had the most painful, the most dear-bought—I hope it will prove to be the most instructive—experience; and those two men are Members for Tamworth and for Lancashire. Both entered official life as Secretaries for Ireland—both devoted themselves to ascendancy, and both became its victims. In 1813, the Member for Tamworth was appointed Secretary to the Lord-Lieutenant; and uniting great capacity with great anxiety to do good, had circumstances been less untoward, and had he had just laws to administer, how different would have been his Government? But he was attached to a party which neutralized his talents and frustrated his purposes. He could not go to the root of the evil; and although he now expresses a strong disrelish for Ecclesiastical abuses, of that disrelish while he was in office, he gave no very unequivocal evidence, and allowed sinecures (those objects of his virtuous abhorrence), to remain undisturbed. He had no resource, except measures of repression; the insurrection Act was renewed, and on the 3rd of June, 1814, a proclamation was issued, under his auspices, to prevent the assemblages of the people. The Catholic board was put down; not so the spirit of the people; it was only dormant; it never can be dead. It was resuscitated in that confederacy which embraced an active people, and made such a display of union and of strength, that in 1825 it was deemed requisite by the Ministry, of which the right hon. Baronet was a Member, to suppress it. Vain and idle effort. It was laughed by us to scorn. We returned from London, where we had agreed to connect the Church by money with the State, provided the State should by liberty consent to connect itself with the people. The offer was repudiated. We invoked the Irish peasantry, who were armed with the elective franchise. Those gallant, devoted, dauntless, heroic men rushed to the hustings with the courage and devotion with which Irish soldiers, led by you (pointing to Sir Henry Hardinge) rushed to the breach. The holds of ascendancy were carried—the Beresfords were annihilated in Waterford, the Aristocracy was beaten to the earth in Louth; these were, however, but the preludes to the great encounter. In two years after Mr. Vesey Fitzgerald, having vacated his seat as a Member of the Cabinet, stood for Clare; he was opposed by the leader of the Irish people; he was discomfited; the heart of Ireland thrilled with exultation; the national sympathy became contagious; the soldiers shouted, and threw up their caps for joy. Astonished by what they saw—appalled by what they anticipated—the Duke and his distinguished Colleague gave way at last to the power of the Irish people. But all had not been accomplished; it remained that, having won emancipation for ourselves, we should secure Reform for you. There was a majority of English, and a majority of Scotch Members against Reform. It was achieved by the men whom the Irish people had poured, in a noble exercise of their privileges, into this House. "We did the State some service, and they know it;" and the first to acknowledge it was the noble Lord, the Member for Lancashire. Strange, that with that confession on his lips, he should not have felt deeply conscious that the power to which he had resorted as an auxiliary might be converted into an irresistible antagonist; and that when, with that fiery eloquence of which he is the master, he was amusing the House of Commons, and applying a torch, and setting the passions of England on fire, it should never have occurred to him that we should avail ourselves of his example, and in as strong and peremptory a tone as that in which he had demanded the Reform of the Parliament, the Reform of the Church would be required. But he had a great abhorrence for rotten boroughs, while for rotten livings he entertained an equally vehement, and not very unnatural, predilection. He set up as the champion of the Church, and entered into a struggle with the Irish people. It was not long before he alienated the whole Irish party, not only from himself, but from those Colleagues who have since been released from the incumbrance of his co-operation, and between whom and Ireland, an honest, sincere, and permanent reconciliation, founded upon wise measures, and upon a just sense of the honourable motives from whence they have originated, has been effected. The first proceeding, on the part of the noble Lord, which indeed affords tolerable evidence of his genius for Government, was the Stanley "Arms' Bill"; this even his associates scouted from the Cabinet. He then proceeded with his Church Reform, and in order to conciliate the Irish Catholics, excluded every Roman Catholic Member from the Tithe Committee. In 1831, he gave 60,000*l.* to the clergy, and passed a Bill by which he transferred certain arrears to the Attorney-General, and commenced in the inferior Courts a scene of unexampled litigation. The profuse shedding of human blood ensued. In 1832, his Tithe Bill, by which a final adjustment was to be accomplished, was produced. It was instantly denounced as pregnant with the most baneful consequences. Mark, Englishmen! mark this:——At the period when that Bill was brought forward, the Irish Catholics did not demand a reduction of tithes; there was no 1,000,000*l.* then due; no sacrifice from the clergy, no sacrifice from the country, was required. All we asked was, a recognition of the principle which is, at last, expressed in this Bill; and if that principle had been recognized in time, how much misfortune to the actual incumbents, how much loss to the English people, would have been saved! But the Bill was passed, in despite of reiterated admonitions, to which its projector was as insensible as the animal from which the Scriptural illustrations of deafness are derived. The people assembled to petition Parliament: their meetings were dispersed at the point of the bayonet, and the petitioners tried and incarcerated under the verdicts of Juries from which Roman Catholics were excluded. The popular indignation rose to the highest point, and at the general election the Standard of Repeal was planted upon every hustings. The Coercion Bill is passed — 1,000,000*l.* is given to the Irish clergy—the Church Temporalities' Bill is introduced, with a great but latent principle of improvement—the influence of the noble Lord prevails, and the 147th Clause is struck out;—meanwhile the clergy starve. The Session of 1834 is opened. The letter of Lord Anglesey—(whose heart was full of the love of Ireland, but whose good intentions were marred by his coadjutor in the Irish Government)—is produced; it calls for a new appropriation. Mr. Ward brings his Motion forward—the Church Commission is issued by Lord Grey: the noble Lord—(who affects to consider Lord Grey as opposed to Irish Church Reform, when the Commission stares the noble Lord in the face)—retires from office, lets go a Parthian shaft at his associates, and there he now is, facing his former friends, and in juxtaposition with his former antagonists. How far he has descended or has risen in public estimation, I leave to be determined by his own judgment, and that of the party of which he is the leader, which has been rapidly diminishing in numbers, and has undergone, to use the mathematical phrase of the Member for Tamworth, "a process of exhaustion." The Government, in 1834, having been relieved from the assistance of the noble Lord, brings a Tithe Bill forward, which would have given the clergy bread, and have gone a considerable way towards an adjustment of the question. It receives the approbation of a large body of the Irish Representatives; it is thrown out, and the clergy are left to perish by those sinister auxiliaries who support the Church by making martyrs of its Ministers,—Parliament is prorogued—Lord Melbourne is dismissed from the Cabinet—with as little ceremony as a menial would be discharged from the Palace. Suddenly, and to himself, I believe, unexpectedly, the right hon. Baronet is raised to the Premiership; the fortunes of this great country are placed by his Sovereign in his hands; he arrives, declares himself the champion of the Church, dissolves the Parliament, strains every Treasury nerve to return a Conservative House of Commons. The Parliament of his own calling, meets; he is beaten on the Speakership, and does not resign; he is defeated on the Amendment, and still retains his office; he is discomfited upon the Irish Church, and he no longer considers it compatible with his dignity, his duty, or his honour to remain in power; he surrenders the trust reposed in him by his Sovereign, and retires with disaster, but without humiliation, for he fell in a contest with millions; he had chosen a nation for his antagonist, and it was impossible that he should not be overthrown. Far be it from me to dispute the talents, the consummate skill, the various attributes for Government which the right hon. Baronet displayed; the greater his merits, the greater the evidence of that power by which he was overthrown. Of that power I have traced the progress; that power vested in millions, deputed to the great majority of Irish Representatives, developed, not created by emancipation, confirmed by Reform, and which, so far from being attended with any likelihood of decrease, is accompanied by the certainty of augmentation. Three millions have swollen since the Union to 7,000,000; they command the majority of the Representatives of the country: they are led on by men of ceaseless vigilance, and unalterable determination: in their intelligence and in property they are making rapid advances; with Roman Catholics of high ability the bar is crowded; by them the highest law offices are filled; they are within a step of the bench of justice; if there were no further change by the Legislature, the advance by the people would be still inevitable; the Corporation Bill (for you cannot legislate for one country on different principles from those which you apply to the other), is at hand, can you wish, and if you wish, can you hope, that this unnatural, galling, exasperating ascendancy should be maintained? Things cannot remain as they are; retrograde it is impossible they ever should. What expedient are you prepared to adopt? Would you re-enact the penal code, let loose Orangeism from its den, bid the Orangeman draw forth his sabre clotted and rusty with blood of civil warfare, that he may sheathe it in the nation's heart? No! From so horrible a conception, you instinctively recoil. Will you dissolve the Parliament? What! after you have already had recourse to that perilous expedient. You thought that you could manage the House of your own calling; you declared it at Tamworth. Have you not too deep a stake in fame, in fortune, in property, and in renown, to renew these terrible experiments? You think the English people are with you. If a Conservative Parliament should be assembled, its duration must be brief, and its existence stormy while it lasts; but if the excited people should infuse an undue proportion of the democratic element into the representation, you will have raised a spirit which you will have no spell to lay, exposed an institution more valuable than the Church, to peril; and, put, perhaps, what is more precious than the mitre, to a tremendous hazard—and all for what? For what are these terrible risks to be run; these awful chances to be incurred? For what are Cabinets to be annihilated, the country to be brought, perhaps, to the verge of convulsion, the Palace to be shaken to its foundation? For the Church! the Church of the ministry—the Church, from which no imaginable benefit can henceforward flow; but whence evils after evils in such continuous abundance have been derived—the Church, by which, instead of being advanced, religion has been retarded, and for whose maintenance an enormous army is maintained, which has cost England millions of her treasure, and Ireland torrents of her blood.

Mr. Sergeant *Jackson* was aware after the eloquence and ability displayed by the hon. and learned Member who had just sat down, that he had nothing to offer to the consideration of the House which would entitle him (Mr. Sergeant Jackson) to its indulgence, on the same principle that it had listened, he was sure with pleasure and delight, to the oratorical display of the hon. and learned Member. However any Member of this House might differ with that hon. and learned Member on the view which he had taken of this subject, no person could withhold from him the praise of having supported his opinions with great eloquence and great ability. But though in that respect he (Mr. Sergeant Jackson) could not follow the example of the hon. and learned Member, yet it should be his duty—and in discharging it he had, to claim the indulgence of the House—to bring back its attention to the sober consideration of a few matters of fact—to the real merits of the question now before it. But in the first place he must be permitted to address himself to a few points adverted to by the hon. and learned Member. He thought that the hon. and learned Gentleman stated that the principle which was involved in the Bill now under the consideration of the House was also found in the Bill introduced two years ago by the noble Lord, the Member for North Lancashire, and which was commonly called the Church Temporalities' Act. Now, he ventured to affirm, that it would be utterly impossible to find two measures more diametrically opposed to each other than the Bill now before the House, and that introduced by the Government of which the noble Lord was a member. He was greatly mistaken indeed if there existed in principle a single point of similarity between them. What was the arrangement under which the Church Temporalities' Act proposed to suspend certain livings in Ireland? And first, under what authority was this suspension to be carried into effect? As to the authority the Board which was constituted under the Act, and which was authorized to interfere for the purpose of suspension, was composed of nine persons, members of the Established Church—five out of the nine being Bishops. Then, what was the nature of the application of the funds arising from the suspension of the appointment to benefices in which Divine Worship shall not have been celebrated for three years? Upon this part of the subject, he begged the particular attention of the House to the provisions of the Act itself, in which it was enacted, "That whenever any benefice whereof the King shall be patron, or the right of presentation or collation whereto shall be in any Archbishop, Bishop, or other dignitary, or in any Ecclesiastical Corporation, shall, after the passing of this Act become void in any manner whatsoever, and that it shall appear to the Commissioners under this Act, by the certificate of the Ordinary, that Divine Worship shall not have been celebrated therein for the three years next preceding the 1st day of February, 1833, then and in such case it shall be lawful for the said Commissioners, if they shall so think fit, by an instrument under their Corporate Seal, to direct that the appointment, presentation, or collation of any Clerk to such benefice shall be suspended until such Commissioners shall think fit by a like instrument otherwise to direct; and in the mean time, and for and during such period as such benefice shall remain vacant, all and every the tithes, profits, and emoluments, whatsoever belonging, or appertaining thereto, and all arrears thereof which may have accrued due since the said benefice may have become void as aforesaid, shall be vested in and received by the said Commissioners under this Act, to be by them applied to the building or repairing of the Church and glebe-house in the said benefice." And here, let it be observed, that these were strictly Ecclesiastical purposes. The Act then continues: "And if the circumstances of such benefice shall not require such application of the said funds, then to be paid into the general fund under the administration of the said Commissioners; and the said Commissioners shall have all and every the like remedies for the recovery of such tithes, profits and emoluments, and all arrears thereof, as any Clerk filling such benefice might or would have, and shall be for all such intents and purposes in the place and stead of such a Clerk; and it shall and may be lawful for the said Commissioners, and the Archbishop or Bishop associated with them, pursuant to the provision hereinafter contained, in any case where the spiritual wants of any benefice so unfilled as aforesaid, shall appear to require the appointment of an officiating minister, so to declare and appoint such moderate stipend or salary to be paid to such officiating minister as they shall think proper, and thereupon the Bishop of the diocese shall appoint and license a Curate for the performance of Ecclesiastical duties within such benefice for and during such period as the same shall remain unfilled; and in case the spiritual wants of such benefice shall not appear to require the appointment of such Curate, then and in such case, and for and during such period as aforesaid, the cure of souls, and all and every the occasional duty or duties within such benefice so remaining unfilled as aforesaid, shall be committed to the incumbent or officiating minister of some adjoining parish, to be remunerated by a moderate stipend or salary, in like manner fixed by the said Commissioners and the Archbishop or Bishop associated with them, such incumbent or minister to be nominated and appointed by the Ordinary, and whom such Ordinary is hereby required to nominate and appoint at the request of the Commissioners under this Act, under such regulations as he may think fit to make; and the Ordinary shall and is hereby required, when thereunto required by the Commissioners under this Act, to grant such certificate as aforesaid in all such cases as aforesaid; and the said Commissioners shall, from and out of the tithes, profits, and emoluments of such benefice hereby vested in them, pay to the Curate so appointed as aforesaid, or to the incumbent or officiating minister to whom the cure of souls and occasional duty shall have been committed, as the case may be, such stipend or salary as may have been fixed and determined in manner aforesaid." Such were the provisions of the Act, the principle of which they were told was to be found in the measure now before the House. By the Temporalities' Bill it would be perceived that the tithes and profits, arising out of suspended benefices, were to be applied by the Commissioners to the building and repairing of glebe-houses and churches; and should that application not be required, they were to be invested in the general funds, which was also under the administration of the Commissioners. In fact, under the Bill introduced by the noble Lord, those revenues were to be applied, not to secular purposes—not merely to ecclesiastical purposes generally, but for the use of the very benefices which might be suspended, should circumstances require such an application. In the measure before the House what provision was there analogous to that? But the Temporalities' Act also required that an Archbishop and a Bishop should both concur in the proposed arrangement for the suspension of any benefice. No such provision was to be found in the measure now under consideration, by which the funds applied by the Temporalities' Act to strictly Ecclesiastical purposes were sequestered and diverted to secular purposes. He said, that in his opinion it was utterly impossible that any two Bills could be more directly opposed to each other than the Temporalities' Act and the present measure. But those who opposed the Bill had been taunted by the hon. and learned Gentleman with not having stated what part of the Bill they approved of, and to what part of it they were opposed and for not having stated the grounds upon which they desired to divide it into two separate Bills. There was one part of this Bill which contained some good provisions of which many Members on his side of the House probably approved. He did not mean to say that they approved of them in all their details; but these were more properly the subject of discussion, and of improvement, in Committee. But there was another portion of the Bill which applied a supposed surplus to secular purposes, and that provision was highly objectionable in point of principle to a great many more Members of that House, and it was for the purpose of giving a fair opportunity of discussion and decision upon each part by hon. Members, who think that one part was in principle unobjectionable, whilst they deem the other to be highly objectionable, that it was proposed to divide the measure into two parts. But allow him to ask, did that division of the Bill prevent both parts from passing, should a majority of this House approve of them? Most certainly it did not. It was quite competent for the House first to pass one part, and then the other, should it so think proper; but, he trusted, the House would bear in mind that by one part of the Bill it was proposed to effect a settlement of the Church-property, arising out of tithes, upon a basis more secure and satisfactory than that which at present subsisted, and of that portion of the Bill he, in common with a large majority of hon. Members, approved; whilst the other part of it proposed to appropriate an imaginary surplus of Church revenue to purposes other than Ecclesiastical, and of that part of the Bill he believed a very large proportion of the Members of that House regarded as utterly inadmissible. He should now refer to another portion of the Address of the hon. and learned Member, in which he indulged in no small proportion of that exaggeration into which orators were sometimes betrayed when they became warm and interested in the subject of their speeches. He did think that the hon. Member had very much exaggerated the amount of the income of the Church, the amount of revenue derived from glebe lands, the amount of the income of the Bishops of the Irish Church, and of one distinguished prelate in particular; and he had grossly exaggerated the amount of tithe. He recollected the hon. and learned Member to say, that the income of the Irish Bishops was in the gross 150,000*l.*, and in the net 128,000*l.* Now, allow him (Mr. Jackson) to point out to the House, and to the hon. and learned Member in particular, how this 128,000*l.* becomes reduced to a sum considerably less. He held in his hand a return of the Ecclesiastical Commissioners in which he found, first of all, that ten benefices were reduced, for which a deduction was to be made to the extent of 50,780*l.*; on account of the See of Derry they must subtract 6,160*l.*, 4,500*l.* for the primate, and an additional sum of 4,500*l.*, on account of three-tenths reduction on tithes, making the whole amount to be subtracted from the net revenues of the Irish Bishops, 65,940*l.* Taking this sum of 65,940*l.* from 128,708*l.*, the amount of the net revenues, a balance remained of 62,868*l.*, which was the income provided for the twelve remaining Bishops in Ireland. After this, he thought himself warranted in saying, that the hon. and learned Gentleman had drawn a long bow in his statement of the incomes of the Irish Bishops. The hon. and learned Member had stated the income of the Archbishop of Armagh at 23,000*l.* a-year; he said that the revenues of that prelate was 17,000*l.* a-year at present, and that it would be increased to 23,000*l.* By the Church Temporalities' Bill the income of the primate (Archbishop of Armagh) was fixed at 10,000*l.* a-year, and the most reverend Prelate's revenue was greatly lessened. The primate took only one-eighth for renewal, while other bishops received one-fifth. The fact was, that the revenue of the Archbishop of Armagh fell greatly short of the hon. and learned Member's calculation; probably the hon. and learned Gentleman was misled by supposing that the primate took the same rate of renewal as other bishops.—[Mr. *Sheil* had spoken on the authority of a return made by the Archbishop of Armagh himself.] There was another part of the hon. and learned Gentleman's speech on which he wished to make a single observation. The hon. Gentleman had contrasted the incomes of the Belgian Bishops with those of the Bishops of the Irish Church; but this was not a fair comparison, for the Belgian Bishops were provided for by the State; they are mere stipendiaries; whereas the bishops of the Irish Church derived their incomes from property which belonged to them as much as did his estate to any nobleman or gentleman. He contended that it did, and in support of this principle he had the high authority of the hon. Member for St. Alban's, for saying that the Irish bishops had as good a right to the property which they possessed, as private individuals had to their possessions. [Mr. *Ward* said, the hon. and learned Gentleman misunderstood him; he had said no such thing.] Well, whatever might be the opinion of the hon. Member for St. Alban's, his opinion was, that which he had expressed. He (Mr. Jackson) thought the bishops had as good a right to their incomes as any nobleman or any gentleman in this House had to his private property. He must now refer to another observation of the hon. and learned Gentleman, and he could not refrain from saying, that he heard that observation with a good deal of astonishment. The hon. and learned Member for Tipperary said, that the claim put forward now was the same as that put forward on the agitation of Catholic Emancipation, and that the present struggle was analogous to that. That question, he said, was precisely the same, in point of principle, as the one now before the House. There were many gentlemen examined before a Committee of that House, and of the other House of Parliament, previous to the passing of the Emancipation Bill. The names of some of them had been mentioned. Amongst them were Mr. Blake, Chief Remembrancer, and the hon. and learned Gentleman himself. The hon. and learned Gentleman, when examined before the Lords, stated, that if Catholic Emancipation were granted, neither resistance to tithes, nor a cry for a repeal of the union, nor any other topic of irritation, would ever again be heard of in Ireland. How far had this statement been borne out by the facts? How had the debt of gratitude, created by the passing of the Relief Bill, been redeemed? Was not every succeeding concession met by a fresh demand, and made a stepping-stone for further advances and encroachments? Pledges had been given that Emancipation would be considered as a final and satisfactory adjustment of Irish claims, but those pledges were not kept. Now, having taken the liberty of submitting to the consideration of the House such observations as he conceived the address of the hon. and learned Member called for, he should proceed to consider what he thought were the most important features of the question now before the House. Several hon. Members on the opposite benches (and amongst them the hon. Member for Berkshire), assigned this reason for supporting the Bill before the House—"that the Established Church had been tried, and failed as a means of promoting the Protestant religion in Ireland, and that, having so completely and utterly failed in its object, it ought to be abandoned." That was a very great error indeed—he did not say it was an intentional misrepresentation, but he was prepared to contend that, the parties who put forward such an opinion could not be acquainted with the history of the country. Another mistake had also gone abroad, which excited deep prejudice both without and within those walls. It was said, that the Established Church had failed to advance the interests of the Reformation in Ireland, because of its enormous wealth, and this allegation was repeated till incalculable prejudice and odium had been raised against the Establishment. He had taken some pains to examine the History of the Church in Ireland, and could show that one of the chief causes of its inefficiency for two centuries and a-half, so far from resulting from overgrown wealth, had proceeded from a total inadequacy in the means of the Establishment. He was not surprised at hearing that exclamation from the other side. He knew that the opinion to which he referred had gained ground to a considerable extent, and he was not astonished that it had found its way even within those walls. But he would show that it was founded upon total ignorance of the real facts of the case. He was quite aware that the state and condition of Ireland, with regard to agriculture, had been so changed during the reign of George 3rd, there had been such an increase of tillage, and consequently such addition to the amount of the tithes, that people imagined the Irish clergy had always been as largely provided for, and therefore the statement he had just made appeared paradoxical—that what was the state of the Reformed Church in Ireland for 250 years prior to that change? Hon. Gentlemen were not, perhaps, aware that Ireland, during that period, was almost exclusively occupied by pasturage. It was matter of history, that in the reign of Elizabeth, Ireland was the theatre of continued wars and disturbances, which impeded not only the progress of the Reformation, but also had the effect of preventing the tillage of the land. It was also well known that the Rebellion of 1641, and the civil contests which followed the Revolution of 1688, together with the confiscations of property and proscriptions which then took place, produced such a feeling of insecurity among the people of Ireland, as to render them but little disposed to bestow any time or trouble in the cultivation of the lands of that country. The result of this state of things was, that the rectorial and vicarial benefices in Ireland were exceedingly poor indeed; and during the whole of the periods he had mentioned, there existed no adequate provision for the clergy whatever. The land being for the most part employed in pasturage, there was scarcely any amount of tithe derived from it. In corroboration of the correctness of this statement, he would appeal to the authority of Spenser and Sir J. Davis, in the reigns of Elizabeth and

James 1st; of Bedel and Wentworth in the reign of Charles 1st; of Swift, Boulter, and King, in the reigns of Anne and George 1st. In the reigns of Queen Anne and George 1st, the Irish Church had to struggle against all the complicated evils which had grown out of the antecedent state of things. The number of churches had diminished, the glebe-houses had been pulled down, and the glebe lands destroyed; added to this was the banishment of the clergymen from their benefices, and the impossibility of residence, or the due discharge of clerical duties on their part. The miserable poverty of the benefices was the true cause of unions of parishes, which must be admitted to have been a great evil in the Church of Ireland. Spenser says, "Since the livings are not sufficient scarce to make their gowns, much less to yield meet maintenance, there is no way to help that but to lay two or more of them together till such time as the country grew more rich and better inhabited." Sir J. Davis says, "As for the vicarages, they are so poorly endowed, that ten of them united will hardly suffice to maintain an honest minister." It will be also found that Swift and Boulter, who differed on most other subjects, concurred in this; at least that both of them deplore the miserable condition of the Irish Church—the total neglect of tillage, and the consequent prevalence of unions and of famines in the country. In 1728, so deplorably insufficient was the provision for the Protestant clergy, that Primate Boulter thought it necessary to introduce a bill into the Irish Parliament for the purpose of imposing a penalty on every person possessing land to the amount of 100 acres who did not till five acres out of the 100. The act remained in force for a considerable period of time, but utterly failed to produce the desired effect; and in 1736, only eight years after the passing of that Act, the landed proprietors of Ireland, the descendants of Dissenters who had followed Cromwell and King William the 3rd into Ireland, and had been located there, feeling no attachment to the Church, but great desire to serve their own interests, had sufficient influence to procure the passing of that most iniquitous and unconstitutional vote of the Irish House of Commons, abolishing the tithe of agistment. Thus the Church was at once deprived of all tithe issuing out of more than 19-20ths of the whole land of Ireland. But loss of income was not the only mischief inflicted on the cause of religion by this atrocious proceeding: for whilst the extensive domains of the gentry were exempted from tithe, the burthen of supporting the clergy was thrown upon the miserable tillage—the potatoes and oats of the poor farmers and cottiers throughout Ireland. He believed it might be confidently affirmed that no difference of opinion would be found amongst writers on the affairs of that country—they all agreed that the consequences of the series of political events in Ireland had been the multiplying of unions, the dissemination of the number of working clergy, and the enlarging of the sphere of duty allotted to each to such a degree as to render it totally impossible, even for the most zealous and best qualified men, had such been selected for the priesthood, to have discharged their pastoral duties in any adequate degree. Such was the state of the Church in Ireland until the reign of his late Majesty, George the 3rd. In that reign bounties were granted on the inland carriage of corn in Ireland, which greatly encouraged agriculture; and the effect of the American and French wars, which continued during so considerable a part of that reign was, to bring into tillage so large a proportion of the country, that from having been under the necessity of importing corn from England during all the former period, Ireland became a great exporting country, and he feared that the agricultural interest in England, of late years, suffered considerably from the redundant supply of corn supplied from the sister country. The effect of this change in the state of agriculture upon the income of the Church in Ireland was obvious. The value of tithes was considerably augmented, and it was quite certain that benefices which had not previously produced one or two hundred pounds a-year, then yielded one or two thousands. Thus a new and opposite evil arose, and unions which ought undoubtedly to have been dissolved, as soon as the necessity which created them was removed, were for some time suffered to continue. This, however, was not to be imputed to the working clergy, but rather to those in whom the patronage of the Church resided, or those whose duty it would have been to adopt the state of the law to the altered circumstances of the country. He was ready to admit that the success of the Church in Ireland was in some instances as much impeded by the overgrown wealth which attached to some of the benefices in consequence of these unions, as it had been before impeded by the extreme poverty of the Establishment. He was no advocate of unions, of pluralities, or of non-residence; but it was only justice to the Church in Ireland to say, that a greater change had never been wrought in any institution in the world than had taken place in the Irish Church Establishment, and within the last twenty or thirty years. He would undertake to say, that no portion of the Christian Church on the face of the earth possessed a more pure, zealous, exemplary, and devoted ministry than did the Established Church in Ireland. And was this body of men to be punished for the vices which belonged to the Establishment in by-gone times, and which they had in no way contributed to produce? These vices were, as he had shown, the result of misfortunes of the country, and not of the fault of the clergy. It was not his intention to trouble the House with any calculations respecting the present income of the Church, because the statement made by the right hon. Baronet, the Member for Tamworth, on that head was so clear and satisfactory that, in his judgment, it amounted to mathematical demonstration. Besides, he had not heard any Gentleman who had since spoken even attempt to answer that statement. The right hon., the Chancellor of the Exchequer, who had made a speech, undoubtedly characterised by extreme skill and ability, and which had produced, as it was calculated to do, a great effect on that House, had nevertheless taken great care to avoid altogether matters of figures, which he stated to be wholly irrelevant. The right hon. Gentleman said, he would have nothing to do with them, and therefore did not affect to answer the statement of the right hon. Baronet, the Member for Tamworth. He certainly could not understand, that when a proposition was made to appropriate an alleged surplus of Church revenue to certain purposes, it was of no importance to show whether, in point of fact, there would be found any surplus to appropriate. It appeared to him that that Question was the very first which ought to be inquired into. He believed that the real cause why the right hon., the Chancellor of the Exchequer, declined to answer the statement of the right hon. Baronet was, because it was not susceptible of an answer. Then if, the calculations of the right hon. Baronet neither had been, nor could successfully be controverted, what became of the delusive allegation of a surplus, when it manifestly appeared that there did not exist a revenue adequate to the payment of 200*l.* per annum, on the average, to the working clergy of Ireland, for whom it appeared to be admitted on all hands that such a provision would not be by any means redundant. He would now call the attention of the House to a few facts which would show the improvement which had taken place of late years in the condition of the Irish Church, and for this purpose he would compare together the circumstances of three different periods. In the first place, he would show what the state of the Church was at the period when agistment tithe was abolished, about one hundred years ago. At that period there were in Ireland 800 resident clergymen, 400 churches, and 150 glebe-houses. At the period of the union (in the year 1800) the number of resident clergymen had increased to 1,000, the number of churches to 689, and of glebe-houses to 300. At the present time the number of resident clergymen amounted to 2,000, being an increase of 1,000 since the period of the union; the number of churches amounted to 1,300, being an increase of 600 since the same period; and the number of glebe-houses had increased from 300, their amount at the time of the union, to 800, being an increase in 35 years of 600. Did that statement show that the heads of the Church at the present day in Ireland had neglected their duty? Did it show, that indisposition existed on their part to dissever unions, or to abolish pluralities? The improvement which it exhibited to have taken place in the Irish Church, was, in fact, almost incredible. [*An hon. Member on the Ministerial side here called on the hon. Member to state the number of the Protestant congregations in Ireland.*] The hon. and learned Gentleman continued:—He was not prepared to say [*cheers*]. He advised hon. Gentlemen opposite to hear before they cheered. He was about to say, that he was not prepared to admit the perfect accuracy of the official Report on the Table. He had received a great number of letters from Ireland, complaining that justice was not done to the Protestant population in that country in the returns made, and he knew that other hon. Gentlemen had received similar communications. But the Report, such as it was, did contain some statements which demonstrated that a great improvement had taken place in the condition of the Protestant population of Ireland. Taking first the diocese of Ardfert, because the learned Member for Dublin was best acquainted with that diocese, he found that in the two periods mentioned in the Report of 1831 and 1834, the state of the Protestant population in different parishes was as follows:—

| Parishes. | No. of Protestants. 1831. | 1834. |
|---|---|---|
| Ballyhaigue | 41 | 96 |
| Castle Island, four parishes | 252 | 294 |
| Dromod | 32 | 49 |
| Kilcashan | 129 | 164 |
| Kilgobbin | 87 | 102 |
| Kilnaughten | 531 | 562 |
| Dingle | 228 | 249 |

With reference to the last-mentioned parish of Dingle, he would state a circumstance that ought to have some weight in that House. He was one of those who contended that a Church Establishment ought not to depend on the amount of the population which belonged to it. The principle on which a religion ought to be established in any country, was the principle that the State was bound to provide for the religious instruction of the people. He maintained that it was the bounden duty of a Christian State to make adequate provision for the instruction of the people in that religion which was deemed by the State to be the true religion. [*Loud cheers from the Opposition.*] He stated that opinion broadly. Hon. Gentlemen might dissent from it, but he had a right to maintain and express his own conviction. With respect to the clergy in Ireland, he repeated, that they were indefatigable in the performance of their duties, and that they were engaged in preaching the Gospel both in season and out of season. With respect to the parish of Dingle, he did happen to know that about two years ago, when a right hon. and learned Friend of his was engaged on the Munster circuit, it was visited by two clergymen of the Established Church. They preached to the people in their native tongue, in the market-house, which was completely filled by the concourse of people, in spite of the opposition of the Roman Catholic priests, and those who attended joined in prayer with the clergymen for a blessing on the instruction which had been imparted. What was the consequence of the zeal exhibited by these clergymen?—he found an increase in the number of Protestants in that parish in the short interval from 1831 to 1834. The hon. and learned Gentleman here stated, that the spread of the Protestant religion in Ireland had been greatly impeded at the time of its first introduction, by the appointment to benefices of men ignorant of the native language, and incapable fitly to discharge their important duties. A great change, however, had taken place in this respect—knowledge of the English language had spread, by means of education and other causes, and the result had been, an increase of the Protestant population in the various dioceses through Ireland from 1831 to 1834. The hon. and learned Gentleman here read the following statement of the Protestant population in various parishes in the dioceses of Kilmore, Meath, Armagh, Leighlin, and Tuam, extracted from the Report, being but a very few of the numerous cases which he had upon his paper:—

| Parishes. | No. of Protestants. 1831. | 1834. |
|---|---|---|
| Ennismagrath | 454 | 483 |
| Ballygarth | 23 | 42 |
| Carlow | 1,409 | 1,755 |
| Clonfert, West | 1,021 | 1,121 |
| St. Peter's | 486 | 592 |
| Borishoole | 455 | 497 |
| Abbey Strowny | 210 | 246 |
| St. Mary Standon | 1,564 | 1,666 |
| Achill | 76 | 156 |

The parish of Ennismagrath was that of the celebrated Mr. Maguire, a champion of the Roman Catholics in resisting the progress of the Reformation. With regard to the parish of Achill, he would mention the system of persecution which had been put in practice against a Protestant Clergyman, who went there with the sanction of his diocesan, to endeavour to improve the temporal and spiritual condition of its neglected population. He established several schools in the parish, and spent upwards of 1,500*l.* in making improvements there, in founding a dispensary, and in providing the people with employment, food, and clothing. Yet he was denounced from the altar by the Roman Catholic priests; the children who went to his schools were attacked, and the clergyman himself was literally persecuted out of the island. He would now let the house hear the language in which the Roman Catholic Archbishop (Dr. Mac Hale) spoke of these meritorious exertions on behalf of this aimable Protestant clergyman:—"It is in that island (Achill) that the demon of fanaticism and religious rancour has fixed, as if his last resting place. Driven from the interior of the country, through the wise forbearance of its inhabitants, who are resolved at last to laugh at itinerant readers, and not to lend themselves to schemes of delusion, in order to prolong the lingering dominion of a falling establishment, that was so long the bane of the country, it takes up its citadel in the island of Achill, ere it utterly disappears from the land" [*cheers*]. What! was the meaning of those cheers? What did hon. Gentlemen mean that it was a proof of religious rancour to found schools for the education of the people, where none before existed? Was it the spirit of "religious rancour" which induced this benevolent person to expend large sums of money in providing his destitute fellow-creatures with food, clothing, and medicine, and furnishing them with the means of employment in that remote and destitute island? Was not the hon. Member for Middlesex warranted in saying, that he looked upon the present measure, not as all that was justly due, but only as an instalment of *3s.4d.* Here was a prelate of the Roman Catholic Church avowing the doctrine that the Protestant Church was to be rooted out of the land. Could any reliance be placed upon the statement of the hon. Member for St. Alban's, who said he would be satisfied with the present measure, which he called a fair compromise, and said it would settle the Established Church in Ireland once and for ever? Could they take the hon. Member's statement for that, when they found a Roman Catholic prelate openly avowing that the object of the Roman Catholics was the utter eradication of the Protestant Establishment from the land? In whatever plausible manner the question might be wrapped up, nothing less than the existence of the Protestant religion in Ireland depended upon the issue of the Motion before the House. From what he had seen and heard in Ireland, he had not the slightest doubt in his own mind, no matter what might be said about a final settlement of the question once and for ever, that the Roman Catholic hierarchy and clergy, and a portion of the Roman Catholic laity, he would not say all, would be satisfied with nothing short of the utter demolition of the Protestant church. He did not state this for the purpose of blaming them; far from it. He should be sorry not to believe that the Roman Catholics were as fully convinced of the truth of the religion which they professed, as he was of that of the religion he professed; but in proportion as they were sincere and attached members of their own Church, in the very same proportion they were hostile to the Protestant religion, and desired to pull down the Establishment. He, therefore, did not say that the Roman Catholic archbishop, in expressing a desire to pull down the Protestant Church, was blameable, but he appealed to the Members of the British House of Commons, and asked them whether they were prepared to join in the work of demolition? For his part, he believed that it was utterly impossible they would do so. What were the objects for which the Protestant Church was established in Ireland? The first great and paramount object was, in discharge of the bounden duty of the State, to provide for the preaching of the doctrines of the Reformed religion, the Gospel of eternal truth, to the whole body of the population; 2ndly and 3rdly, for great political purposes. He (Mr. Jackson) would repeat, for great, and, he would add, most sound and legitimate political purposes; for sound policy would be ever found coincident with sound religious and moral principle. The second and third, which might be called the political objects of introducing the Establishment, were the spread of civilization amongst the people of Ireland, and the securing of British connexion. Had not the Established Church successfully promoted all these important objects? Could it, with any degree of truth, be said to have failed? Had it, until very recent times indeed, received anything like a fair trial? Looking at the system of persecution with which it was now, and for some years past had been visited, could it be said even now to receive a fair trial? But, above all, could it be said to have failed of success during three centuries of trial by reason of the overgrown wealth which it possessed? Such had been the purposes for which the Protestant religion was established in Ireland, and its continuance was made an express part of the Treaty of Union. He asked them as British senators, whether they were prepared to demolish the Irish Protestant Establishment in the teeth of the fifth article of the Legislative Union between Great Britain and Ireland? That Article was in the following terms: "That the Churches of England and Ireland, as now by law established, be united into one Episcopal Protestant Church, to be called the United Church of England and Ireland, and that the doctrine, worship, discipline, and government, of the said United Church shall be, and remain in full force for ever as the same are now established by law for the Church of England, and that the continuance and preservation of the said United Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential part of the Union." Were the Commons of England and Ireland prepared to violate that national compact, and to demolish the Protestant Establishment? If the Bill before the House should pass, the Legislature would abandon the only principle upon which a Church Establishment could be maintained. If the maintenance of an Establishment were to depend upon the amount of population professing the doctrines of the Established Church, then the great body of the people of Ireland being Roman Catholics, it was clear that if the principle was to be followed out, the Protestant Church must be pulled down, and, to go a step further, the Roman Catholic Church must be established in its place. Would the British House of Commons desert the Protestants of Ireland? How had the Protestant population of that country uniformly conducted themselves? Had they not always been the steady friends of the British connexions? Had they not always hazarded their lives and property in defence of the country? Had they not on all occasions, when the country was menaced with invasion and insurrection, come forward in support of the Government, the constitution, and the laws of the land? Would it become this country to desert the Protestants of Ireland now, and to assist in pulling down their Church? He implored hon. Members to weigh well what they were now called upon to do. He called upon English gentlemen to consider what would be the consequences affecting their own country and their laws, if they complied with the demand which Ministers now made upon them. They would find the destruction of their own Church involved in this violation of the sacred principle, and the security of all property shaken to the very centre. He implored the British senate to adopt the Motion of the right hon. Baronet the Member for Tamworth; but, at all events, to beware, lest, in the vain hope of conciliating and satisfying those who would neither be satisfied nor conciliated, they would not only destroy the Protestant Church in Ireland, but bring swift and inevitable ruin on the most valuable institutions of the empire.

Viscount *Morpeth* said, that as he had already had an opportunity of explaining the details of the measure and his own views respecting it, and as the Motion of the right hon. Baronet turned upon a point which, at the commencement of the Session, was discussed almost to the process of exhaustion on which the right hon. Baronet dwelt so much, and distinctly and peremptorily decided by the House, he might naturally have considered himself discharged from the duty of addressing the House upon the present occasion; but there had been some things stated in the course of the present discussions in the character of the grossest misrepresentations. He did not mean to charge any one with having been guilty of intentional misrepresentation, but certainly erroneous statements had been made with respect to the provisions of the Bill, which authorised him to request the House to grant him its attention, whilst he made a few remarks to counteract the impression which those statements were calculated to produce. The first part of the yet undivided Bill, which, from what he gathered of the progress of the debate, was likely to continue undivided, related to Tithe-property. First, with respect to that part which referred to the settlement of the property in tithe. Many objections had been urged by the right hon. Baronet (Sir R. Peel) against the provisions by which he intended to carry that settlement into effect; and he should almost say, that of the two divisions of the measure, the right hon. Baronet expressed himself with more caution and forbearance with respect to the great principle of appropriation involved in one of the provisions, while he directed most of his arguments and strictures against the principles involved in the other part of the Bill. He begged to say, with respect to the provisions of the Bill for the settlement of property in tithes, that there was not one of them which he should not be quite ready to have patiently and candidly discussed in the Committee. There was not one of them which was not brought forward on his part, and he was sure he might declare the same on the part of the Government also, with a sincere desire to secure and realize as much as could be secured and realized, to the existing clergy, and to the uses to which the Protestant Establishment should hereafter bequeath them, consistently with what was due to the other parties interested, and with some restrictions which were certainly imposed by the pressure of surrounding circumstances. But with respect to the mere details, any improvement that could be suggested which came within the path and not without the principles of the measure, he could at once assert would be most gladly acceded to. One of the points to which the right hon. Baronet (Sir R.

Peel) directed some of his most marked censure—he did not think the right hon. Baronet meant to impute blame in this respect to him and those with whom he acted—was, that they diminished by three-tenths the existing tithes. Indeed, it would not have been very consistent in the right hon. Baronet to have charged blame upon them here, considering that it was to a larger amount that he was himself prepared to make a reduction. But one of the points on which the right hon. Baronet dwelt much was, the proposed mode of taking the averages; and really from the tenour of the observations which the right hon. Baronet addressed to them on this part of the subject, the House might have been tempted to think that the present rate was permanently fixed upon them. Now what was the fact? By the first Bill introduced by the hon. Member for Cambridge University (Mr. Goulburn), he believed the amount of the composition was to continue the same for three years, and after to vary on an average of the three years preceding. By a subsequent Bill the amount was to continue according to the decision of the vestry, either for seven or fourteen years, or if they thought fit for twenty-one years, the variation depending on the average of the seven years preceding. The Bill of the right hon. Baronet did not interfere with those compositions established for twenty-one years; but in all other cases it prescribed a change. Now if any other plan were proposed by which the averages could be taken, on which the Composition of Tithes were founded, he should be ready to listen to it; but he must say, that it did seem to him that the clergy would be even worse off under the provisions of the former Acts than they would be under this Bill; for at the end of seven years these compositions were subject to a variation on the average of the seven years preceding, and it might happen that the whole of the past seven years would give an unfavourable average; whereas, under the present Bill, if in any one year prices rose, the clergy would be entitled to some benefit from such a rise. Then the right hon. Baronet adverted with some severity to their proposal for opening the Tithe Compositions, but at the same time he candidly released them from much of their responsibility by conceding that some such provision was absolutely called for, in order to prevent the cases of fraud that might arise. Now it was only in cases of fraud, or where grievous injustice had been suffered, that the House was called on to consent to the opening of the composition. From the statement of the right hon. Baronet, the House would be led to conclude that the opening of the compositions would be compulsory. Such, however, was not the case. The compositions were not to be opened except under certain restrictions imposed by the Bill. The right hon. Baronet also seemed to be apprehensive that the cost of the revision must in all cases come out of the pockets of the clergy, whereas the Bill provided that if upon the revision the composition should not be reduced one-seventh of the whole, the expense should fall upon the owners and occupiers of the land. Under these circumstances the owners and occupiers of land had quite as good a chance as the clergy of paying for the expense of re-opening the compositions, including the cost of the barouche-and-four upon which the right hon.Gentleman was pleased to lay so much stress. It should also be remarked that the expense on re-opening the compositions was not a permanent charge, but would occur only once, and could be borne only by those clergy who were to obtain an additional grant on the amount of composition which was to be charged on the perpetuity purchase fund. Having mentioned the perpetuity purchase fund, he must say, that the right hon. Baronet was not entitled to complain of his invasion of it, inasmuch as it could be clearly demonstrated that the invasion meditated by the right hon. Baronet, the late Secretary for Ireland (Sir Henry Hardinge) would have effected it to a far greater degree. The right hon. Baronet had represented the receipts of the perpetuity purchase fund to be 55,000*l.*, and the expenditure to be 88,000*l.*; but he had the satisfaction to inform the House that he had received a statement from Ireland, from which it appeared that the receipts amounted now to 83,521*l.*, and the amount expected to be received, within six months, from the 1st of July, was 47,000*l.* The amount of purchases completed was 196,000*l.*, and those in which tenants had refused to purchase amounted to 23,000*l.* He would now pass to that part of the Bill which related to a different appropriation of the Ecclesiastical revenues, which in fact he felt to be the main point in issue. An objection had been made to the Bill by his right hon. Friend, the Member for Cumberland, which, if founded in fact, would have weighed materially in his mind against it.

His right hon. Friend represented that the Bill would be a virtual repeal of the Church Temporalities' Act, in consequence of the great diminution which it would cause in the funds placed at the disposal of the Ecclesiastical Commissioners for Ecclesiastical purposes. His right hon. Friend opened three batteries upon this part of the Bill, if he might be allowed to borrow a metaphor from the opposite camp. First, his right hon. Friend said, it would repeal that Bill by carrying the fund, which arose from the suspension of the appointment of clerks to livings (in which there had not been divine service for three years preceding February, 1833) to the purposes of the Reserve Fund, and not to the general fund of the Commissioners. Secondly, the funds arising out of tithes, without cure, appropriated to dignities and prebends were, under the Church Temporalities' Act, to be applied, in the first instance, to the augmentation of small livings, and failing this, to go to the general fund of the Commissioners, to be applied to strictly Ecclesiastical purposes, for the building and repair of churches; these funds, also, under the present Bill, were to be converted into one of the feeders of the Reserve Fund. Thirdly, the funds arising from the sale of the perpetuities were under the Church Act to be applied to the augmentation of small livings, and building glebe-houses; but under the present Bill it would be charged with a tax of 5*l.* per cent. — and therefore the right hon. Baronet said, he was justified in saying that this Bill effectually destroyed the enactments of the Church Temporalities' Act. With respect to the first, it would be desirable in the first place to ascertain what was the estimated amount of the sums to arise from these suspended benefices. Lord Grey, in the introduction of the Church Temporalities Bill into the House of Lords, in 1833, stated that there would be about sixty-six benefices that would come under the operation and effect of the suspension Clause; the gross revenue of which, though not stated by Lord Grey, was estimated to amount to 6,600*l.*; and the provisions contemplated by the present Bill, of carrying the disappropriated tithes of dignities and prebends (of which he would speak hereafter) to the general fund of the Commissioners would cover any deficiency of income that might arise by carrying the funds of any suspended benefices, in which there were less than fifty Protestants, to the Reserve Fund. With respect to the second:—the funds arising from tithes, without cure, appropriated to dignities and prebends, these funds would form no portion whatever of the Reserve Fund; neither would the income arising from them, included in the income of the 860 parishes enumerated by him on a former occasion. That was only a return of the incomes of such parishes, or parts thereof as constituted parochial benefices. Now the dignities and prebends referred to, were, in some cases, either complete sinecures, without any parochial duties annexed to them, as in the case of the deaneries of Dromore, Tuam, and Clonfert, the precentorships of St. Patrick's, St. Canice, Waterford, and others; or these dignities and prebends consisted partly of parishes with parochial duties annexed, and partly of tithes of other parishes, without any parochial duties annexed—as, for example, the deaneries of Ferns, Limerick, and Killaloe, the treasurership of Lismore, the prebends of Kilbrogan, Dromdaleague, and many others. Now let them see what will be the operation and effect of the Church Temporalities' Act, and the Act of last Session, in regard to these dignities and prebends, and what the operation and effect of them, as regarded the present Bill. There could be no doubt but if the dignity or prebend were a complete sinecure, it would be competent for the Lord-lieutenant and Council to suspend it altogether, and to direct that the funds therefrom arising be carried to the general fund of the Commissioners for the building and repair of Churches, or the augmentation of small livings, as the Commissioners might see fit, under the Bill of last Session. In the case of the deanery of Dromore, which consists of the rectorial tithes of seven parishes, amounting to 1,491*l.* 19*s.*, without any cure of souls annexed, this being a complete sinecure, and all others like it, the fruits of them would be carried to the general fund of the Commissioners. And now let them see the effect of these measures in regard to a dignity or prebend, which consisted partly of a parochial benefice, and partly of rectorial tithes appropriated thereto, without any cure annexed to these rectorial tithes. Take the case of the deanery of Ferns; the corps of it consists of three benefices, and the rectorial tithes of Maglass parish, without cure, the vicarage of Maglass, to which the cure of souls was annexed, forming part of Killinick union; this being the case, when the deanery became vacant, it being a dignity, it would be still competent for the Lord-lieutenant and Council to give the rectorial tithes of Maglass parish to the Vicar of Maglass, under the Church Temporalities' Act if they considered the Vicar insufficiently endowed; but if the vicarage or parish of Maglass should contain less than fifty Protestants, and if the appointment to the vicarage should, on this account, be suspended, then there had been due care and foresight exercised in the framing of the present Bill, by enabling the Lord-lieutenant and Council to direct that these disappropriated tithes should be carried to the general fund of the Ecclesiastical Commissioners, for the building and repair of churches and augmentation of small livings; a power which did not exist before; so that instead of the general fund in the hands of the Commissioners being at all diminished or reduced, it would actually be extended and increased for the very purpose of building churches and augmenting livings, if the Commissioners saw fit. Thirdly, and with regard to the perpetuity purchase fund, the income arising from it would not, eventually, under this Bill, be diverted from any of the purposes, to which it was eventually intended it should have been made applicable, under Lord Grey's Church Temporalities' Bill; additional inducements to realise this fund within a limited period of two years, were held out to the tenants, and supposing that the income estimated to arise from the sale of these perpetuities, should be realized within the two years, or the interest of the capital, should at all events be realized (because the tenants would be allowed to borrow money at $3\frac{1}{2}$ per cent., and mortgage their estates, paying to the Commissioners $3\frac{1}{2}$ per cent., until the principal was liquidated), what would be the effect of the whole arrangement? Why the interest of the monies realized in this way would be 42,000*l.* during the lives of the present incumbents of benefices. This 42,000*l.* would be charged with an annuity of 28,000*l.* a year, to uphold the incomes of the existing incumbents to 75*l.* in every 100*l.* worth of compositions; the difference between the 28,000*l.*, and 42,000*l.*, or 14,000*l.* a year, would be made immediately available to the general purposes to which the general fund of the Commissioners is applicable; and on the expiration of the lives of the existing incumbents, the whole of the 42,000*l.* would remain to be made applicable to the same purposes as originally contemplated by Lord Grey—namely, the augmentation of small livings, and the building and repair of churches and glebe-houses. It was clear, then, that the present Bill did not interfere with, much less repeal, the provisions of the Church Temporalities' Bill, as contended for by the right hon. Baronet. He felt, that the great difficulty under which the argument on his side of the House laboured was, to answer the questions that had been addressed to them, as to whether they would have an available surplus after supplying all the imaginable Ecclesiastical purposes to which the Church revenues could be directed. He did not, however, shrink from that difficulty. He admitted at once, that in one point of view there were many things which had been advanced by the opposite side of the House, which they might find it hard to answer. He thought, that many of the arguments of the right hon. Baronet, and the hon. Gentlemen opposite would be irresistible, if it were not for the fact, that they were legislating for a country the members of the Established Church in which ranged between 800,000 and 900,000 people, while the numbers of the Dissenters included 7,000,000. He would admit, that if it were not for the views suggested by that disproportion of numbers, a more improved mode of distributing the Church revenues than that proposed by the Bill, might be found. For instance, they might be applied to improve the thirty livings in Armagh to which the right hon. Member for the University of Dublin had alluded, or to provide spiritual instruction in parishes, in which there was at present no cure of souls. But the object being to effect a new and final settlement of the question, or what he and those who acted with him thought might have some chance of being a final settlement of it,—if this opportunity should be lost, he apprehended it never would be finally settled. The Legislature was called upon to show, that the immense preponderance of Dissenters over those who conformed to the religion of the State was not entirely overlooked in the new settlement of property strictly national. It was not proposed, that the spiritual wants of the dissenting majority should be provided for; it was not proposed, that their ministers should be paid either with 5*l.* or a crust of bread: it was not proposed that their chapels and churches should be built, not with 100*l.*, or 15*l.* a year, but with a single farthing on a plank of timber duty free; but it was thought right that it should be shown that their very existence on the soil of their birth and of their ancestors was not entirely forgotten. Really, when he witnessed the zeal of hon. Members on the other side of the House—he begged pardon of his right hon. friend, the Member for Cumberland, he ought rather to say, the tolerance—when he heard them assume a high tone in talking of the invasion of the rights of the Church, and the desecration of things holy, he could not help asking the question whether, if in England, by the right of conquest, or the force of prescription, a different religion, he would not say the Roman Catholic, for to that there were political as well as religious objections, but the form of doctrine usually termed the Unitarian, had become the religion of the state, whether the opposition to the payment of its dues would not have outrun the great dispute in the Court of Chancery on the subject of Lady Hewley's charity? If hon. Members would but sometimes put themselves in the place of other persons, he thought there would be a difference in their conduct. He was sure there would be more charity in their language. The hon. and learned Member, who last addressed the House said, that the State was bound to support the religion which was founded in truth. That principle would impose upon those who dissented from it the duty of eternal opposition, And, after all, who was to decide what was the truth? Was knowledge upon that point to be obtained from the fallible lips of the hon. and learned Member, or from the equally fallible lips of himself? No; the only intelligible ground on which an established religion could rest was, on its being the opinion of the majority—the opinion of the majority exceeding in number those who profess any other faith. The present state of Ireland, he admitted — indeed he never had disguised it — would not allow them to carry that principle into effect; past prescription, and present circumstances prevented it. In consequence of that state of things, he asked this House to sanction what had been fairly and justly described as a compromise. He knew, that use might be made, and had been made, by the right hon. Baronet, of an argument on the possible contingency of the inhabitants of a sequestered or reduced parish being sufficiently provided with that education, and, consequently, of the funds arising from that parish being transferred to some more remote locality, to be there used; it being inferred, that some umbrage might be felt at the transfer or withdrawal of that income which might perhaps be supposed to be vested in the soil. He admitted, that if that were to be the general course of procedure—if it were to be the general rule, that a parish should lose all benefit in the revenues drawn from it, there would be considerable force in the objection, though it would be balanced, and in his opinion more than balanced, by the expediency of tying down the whole income within the parish boundary. On that head his opinion was fortified and sustained by admissions made by the right hon. Baronet in the speech which he made on introducing his present Motion, and on previous occasions, and by the steps which he in common with the other Members of the commission of which he was the originator, had been prepared to take with respect to the English Church, in furtherance of such a distribution of Ecclesiastical revenues, limited, he admitted, to Ecclesiastical uses, as on due inquiry might seem to be for the general good of the Church. True, indeed, the general good of the Church might be consulted, but the hardship to the individual parish in such transfer or withdrawal would remain the same. He understood, that the right hon. Baronet was prepared to make no objection to the transfer of any admitted superfluities from a notorious sinecure benefice in the county of Kerry or of Cork, for the remuneration of a hard working under-paid one in Down or Armagh; or, to use the words of the right hon. Member for Cambridge, "to transfer the thinness of Waterford to the richness of Clogher." He understood the right hon. Baronet to consider, that instead of attaching revenues to the soil to which they belonged, it would be better, that they should be assigned to purposes for which they might be most needed in that particular district, but for which some share might be desirable for their fellow countrymen in other districts. In that the right hon. Baronet consented to redistribute for the benefit of a section, "while we," added the noble Lord, "seek to re-appropriate for the benefit of all." He would confess, whatever might be the credit which he should gain by the assertion, that it was always with reluctance, that he entered into the extreme case which he thought might be made out against the present dimensions of the Irish Church. It was useless for the supporters and advocates of that Church to put on such a bold front, and to send forth such loud shouts of defiance, both within and without those walls; yet it was no matter of surprise to him that an attempt was made on the opposite side to defend the ground which they took up. They had heard various statements made in the course of the evening respecting the present amount of revenues disposable for Church uses in Ireland. It struck him, that nothing was more idle and futile than to quarrel on that point—inasmuch as they had it attested on the best authority, on documents that could not err. He was prepared to go through the different items, placing the most perfect reliance on the information furnished throughout. He could venture to state the present gross revenues disposable for Church uses in Ireland, at 807,533*t*., and the present net income at 744,926*l.* He deducted from that three-tenths of the present amount of tithe composition, or 166,500*l.*, and then sixpence in the pound on that reduced amount, or 9,700*l.*; for he could not consent to take into account any further loss of the clergy arising from the expenses, or the results of the revision of tithes. The expenses, at all events, could only apply to one year, and surely the income of the Church had been unjustly raised hitherto; he could not suppose, that it would be materially diminished by any revision; he had no reason to calculate on a continued depression of the price of corn, for that might rise as well as fall. After making, then, the deductions which he had stated, excluding every result which attended the revision of the tithe composition, the sum at the disposal of the Church in Ireland would then be 568,726*l.* He would read a statement of the items composing the income, and he would commence with the "annual revenue of the continuing and suppressed Bishoprics" [*Hear, hear!*]. Where was his mistake? He was giving a statement of the property to be applied to the uses of the Church; and he had no reason to exclude the incomes of the sees suppressed by the Church Temporalities' Act, because he had not yet understood that his noble Friend (Lord Stanley) in that measure of his had alienated these revenues, or any part of the property of the Church in Ireland. Surely, then, no objection could fairly be taken to his including the revenues of the suppressed sees in the income of the Church. The noble Lord then read the following statement of the items of the income:—

### I. CORPORATIONS—SOLE.

| | | Gross. | Net. |
|---|---|---|---|
| 1. The annual revenue of the continuing and suppressed Sees appears, by the Report of the Ecclesiastical Revenue Commissioners, to amount to (see 1st Report, pages 42, 43) .. .. .. | | £151,127 12 4 or | £128,808 8 3 |
| N. B. The principal sources of this revenue arise from rents reserved by lease and annual renewal of fines; but the true amount of Episcopal revenue is even greater than is above stated, as it appears, from the Commissioners' Report, that there are 213 tenants under the Sees holding for terms of 21 years, whose annual renewal fines are not included. | | | |
| 2. The income arising from glebe lands amounts, annually to .. .. | | 92,000 0 0 | 80,000 0 0<br>Deducting the reserve rents and expenses of collection. |
| 3. The income arising from ministers' money, amounts annually to .. .. | | 10,000 0 0 | 9,500 0 0<br>Deducting 5*l.* per cent for collection. |
| 4. The income arising from Ecclesiastical Tithe Compositions is .. | £555,000 0 0 | | |
| of which there belongs to Archbishops and Bishops, and to corporations aggregate, held either in their own hands, or let to tenants at reserved rents | *23,218 5 5 | | |
| | | 531,781 14 7 | 505,192 12 10<br>deducting 5*l.* per cent for collection. |
| | | £784,909 6 11 | £723,496 1 1 |

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* The difference between this sum and £45,000, the gross amount of tithe compositions belonging to these corporations, is enjoyed at present by their lessees under existing leases.

II. CORPORATIONS—AGGREGATE.

| | | |
|---|---|---|
| 1. The income belonging to Deans and Chapters, as a common estate, amounts to | 1,042 11 5 | 928 0 2 |
| 2. The income arising from economy estates, and belonging to Deans and Chapters, is .. | 11,055 14 7 | 10,502 18 10 |
| 3. The income arising from estates of Minor Canons and Vicars Choral, is .. | 10,525 19 5 | 9,999 13 6 |
| | £807,533 12 4 | £744,926 13 7 |

To this account was to be added the item of 5,500*l.*, being the amount of rents received in houses and lands, and of annual renewal fines payable to dignitaries and prebendaries as such. Now since that income had been allotted to the uses of the Church, he would inquire, in order to put it to the test of its working—to the test of its utility, and of all on which its desirableness as an Establishment was founded, and in which alone it could be justified—what had been the result with reference to the growth of the conforming and the dissenting population? His noble Friend the Member for Northumberland (Lord Howick) in his most able speech of the previous night, had quoted the proportions which had obtained at different times between the Catholic and Protestant population throughout Ireland; he had those proportions at various periods drawn out in detail, and if the House desired, he would read a statement of them. [“ *Read! read!*”]—He found that Sir William Petty, in the reign of Charles the 2nd, calculated the proportion of Protestants to Catholics as three to eight. Maule, Bishop of Dromore, in 1733, estimated it to be three to seven and a-half; in the Hearth-money returns of 1732-33, it was taken at three to eight; and in the *Hibernia Dominicana,* which was compiled by a Roman Catholic prelate, Bishop Burke, who was not very likely voluntarily to depreciate the numbers of the Roman Catholics, the proportion was calculated to be three to five and three-quarters. The present proportion was three to twelve and three-quarters. He would here observe, in reference to the arguments of the hon. and learned Gentleman who had last addressed the House, as to how deficient were the means of the Irish Church, how impoverished it was in the times of Sir John Hayes and Primate Boulter, that it appeared that in those times the numerical proportion of its members to those of the Catholic Church were so much the greater; so that if anything were to be collected from his argument it was this, that a church which he considered to be under paid was precisely that which was most successful in increasing the number of those over whom its influence extended. If, however, the general returns which he had read were not sufficiently satisfactory, he would refer to those which were given by Wakefield, and which had been furnished by the clergy themselves in the separate dioceses, in 1766, and compare them with the state of things at present existing. The noble Lord then read the following statement of the proportions of Protestants to Catholics in the several dioceses at the two periods of 1766 and 1834:—

| | 1766. | | 1834. | |
|---|---|---|---|---|
| Armagh | 1 | 1¼ | 1 | 1¾ |
| Derry | 1 | 0⅔ | 1 | 1⅕ |
| Down and Connor | 10 | 2⅔ | 10 | 4 |
| Dromore | 10 | 6 | 10 | 7 |
| Raphoe | 1 | 1⅕ | 1 | 2¾ |
| Kildare | 1 | 3½ | 1 | 8¼ |
| Kilmore, Ardagh | 1 | 4¾ | 1 | 6 |
| Cashel | 1 | 9 | 1 | 30 |
| Cork and Ross | 1 | 5 | 1 | 9 |
| Cloyne | 1 | 8 | 1 | 23 |
| Elphin | 1 | 10 | 1 | 18 |
| Killaloe | 1 | 9 | 1 | 182 |
| Killalla | 1 | 6 | 1 | 8¼ |
| Tuam | 1 | 9 | 1 | 46 |

But during the whole of the period which had elapsed in the interval, had the supplies of the Church remained stationary? Had they languished? Had there been no “ feeders” to it, to use again the term which had so forcibly rivetted itself in the memory of the right hon. Baronet from the time that he (Lord Morpeth) had employed it in a speech which he had formerly addressed to the House. It had been stated, he believed by his right hon. Friend, the Chancellor of the Exchequer, that for churches built by Parliamentary aid since 1800, the country had paid 415,185*l.* For those which had been built in the eighteenth century, 61,580*l.* had been paid. Of glebe-houses 480 had been built since 1800 at a cost of 336,881*l.*; in the eighteenth century 163 had been built at a cost of 16,775*l.* Glebe-lands had been purchased within fifty years at a cost of 61,487*l.*; so that a sum of 920,900*l.* had been applied in the eighteenth century and since 1800 to the service of the Church, in addition to its annual income. What, then, was the state of things which these facts presented? Why that of a constantly increasing Church-property, with a progressively diminishing Church population. With such a state of things existing, he could hardly dread the title of spoliation as applied to him in his attempt to remedy it; and he must confess that he did not consider it as an objection to the measure which the Government had brought forward, that it did effect a great change. Of course, if he did not think that change to be at the same time an improvement, he should not support it, nor recommend it; but the mere circumstance of its being a considerable alteration in no way inspired him with any distaste towards it. From the calculations which he had submitted to the House, it was evident that it could not be said of the Irish Church, as had been said of our ancient Parliamentary system of representation, that it had "worked well;" nothing, indeed, according to his view, could have worked worse; for it had worked badly for its own popularity and its own diffusion; and it had worked still worse for that general spirit of religious dissension and discord for which he would not say that it was, indeed he knew it was not, answerable, but in which it was involved, and which, of all the evils that distracted Ireland, appeared to him to be the gravest and most fatal. He would remind the House of the peculiarities of the Irish national character. Frank, gay, and warm-hearted, they were, when their feelings were enlisted in any cause, with but few exceptions, found to verify the saying, that "he came not to send peace, but a sword." He admitted that the responsibility of this state of things was common to both parties; but that did not diminish the duty of the Legislature to do away with the cause of this continued mutual hostility. Viewing as he did the anomalies of the Church Establishment in Ireland, he was not sorry that they, who were both Protestants and Churchmen, had thrown themselves forward in an endeavour to remove them. The portion of the Bill which referred to a different appropriation of Church-property, divided itself very much into the effect of the suspending clauses in the single parishes, and their effect in unions; and first, with respect to unions. When he had introduced this measure, nothing had been more ridiculed than the proposal for the suspension of ministers in certain parishes, and the assignment of *5l.* per parish to neighbouring incumbents to take charge of them. His noble Friend the Member for North Lancashire had expressed his very courteous astonishment at the boldness of the measure which he had been instrumental in introducing to the House. The House were by that time aware of what had been already done under the operation of the Act which his noble Friend had himself introduced, which he had sustained with all his ardour, and defended with all his eloquence. By the instrumentality of the Commissioners appointed under that Act, consisting of two archbishops, four bishops, and five laymen of the Church of England, all of them appointed with his noble Friend's full concurrence, if not directly by him, he found that actually within two short years, there had been eight benefices suspended under the operation of its provisions. It was true, as they had been reminded by the hon. and learned Gentleman who spoke last, that the revenues had not been appropriated to other than ecclesiastical purposes, and the spiritual wants of the parishes had been first provided for. But let the House see at what cost that had been done. He knew well how greatly he differed from the noble Lord, and how greatly the House too differed from the noble Lord on the general question of appropriation; the Resolution of April last was convincing on that point; and he confessed that, with all his exalted and unfeigned respect for the very high abilities and the not less high and shining character of his noble Friend, after having once heard him declare, in his place in Parliament, in so many plain words, and with a grave face, that if every Protestant were swept from the face of the land, not even in that case was he prepared to depart from his principle of non-appropriation, he must own that all hope of realising that object of his ambition, an agreement with his noble Friend, had departed from him. In the Bill before them, the sequestration or suspension of parishes was limited to places in which the number of Protestants was under fifty; but his noble Friend wished for no such limitation in his suspending machinery. He found, by a Return laid before that House, that one of the eight benefices which had been suspended under the noble Lord's measure, Erry Rectory, in the diocese of Cashel and the county of Tipperary, contained no fewer than fifty-three Protestants. Here, however, he must own that his own Return rather failed him, for in that he found the Protestant population of the benefice of Liscleary, in the county and diocese of Cork, to be set down at thirty. He looked at the Return of the Public Instruction Commissioners, and found it there set down at eighty-three; and he accordingly began to suspect that a case of partiality was thus made out against those Commissioners, though in the opposite direction to that in which it was imputed to them by Gentlemen on the other side. Observing, however, that the number of members of the Established Church in Liscleary was returned as amounting to eighty-six in 1831, and to eighty-nine in 1834; and that this Return was confirmed by the statements given of the entire population of the diocese, that in the return which he now possessed giving the number 1,410, whereas, in the Return of 1821, 2,807, and in that of 1834, 2,909 were respectively given, he thought that it must be obvious, that the Bishop who forwarded the Return referring to the present period, had computed the number of families instead of the number of heads in the Protestant population of the parish. At all events, if the Return of the Public Instruction Commissioners were correct, an appointment to a church had been suspended under the Act of his noble Friend, in a parish containing eighty-three members of the Church Establishment. Then as to the 5*l.* stipend, the announcement of which, when first made to the House, was received in so marked a manner, it now turned out, that however well calculated that proposal might have been to excite amusement, it could not lay claim to the charm of novelty; for it appeared, by the same Return which announced the suspension of eight benefices under his noble Friend's Act, that for one of them, the benefice of Carne, the Ecclesiastical Commissioners under his noble Friend's Act had assigned a stipend of 4*l.* to the incumbent of the neighbouring parish. It should be borne in mind, that the Bill before them offered 5*l.* when there was neither church, nor glebe-house, nor flock, nor duty. For Seskenan vicarage, containing from twenty to forty members of the Established Church, they had assigned 5*l.* as the payment to be given to the neighbouring incumbents; in that of Killteynan rectory, where the number of Protestants of the Established Church was fourteen, they had also assigned 5*l.*, and the same amount for Dunbyn rectory, as well as for Erry rectory, in which the number was fifty-three. There was another instance not mentioned in the Return, but to be found in the Report of the Public Instruction Commissioners, of a benefice in the province of Leinster, in which 4*l.* had been assigned to the rector of an adjoining benefice. He now came to the change which the measure effected in unions, a subject more complicated and difficult. The circumstances of these unions were so very various, were involved in so much difficulty, in respect both of the number of their population and their existing condition, that he thought it would be impossible to deal justly with the clergy who were to fill the benefices which they composed, with the Protestant flocks who were to be found within them, and with the public whose interests the House was bound to consult, if it did not vest somewhere—and if it vested it any where, surely it ought to vest it in the most high responsible quarter—that very large discretion to which his hon. Friend the Member for St. Alban's (Mr. Ward) had, in his most impressive speech, made some allusion, but which the right hon. Baronet had entirely overlooked. In his opinion, the effect of the 77th Clause of this Bill must be, in the apprehension of every man who gave it a fair consideration, to leave it at the discretion of the Lord-lieutenant and his Council to take into consideration all the circumstances of the unions, and to deduct from them only such sums as they might think proper—of course, if they thought proper, deducting nothing at all. The right hon. Baronet had said, that he had before him forty cases illustrating the effect of the measure in reference to unions. The right hon. Baronet selected, however, only three, and he, no doubt, selected them with his usual tact and discretion. The first was the union of Dundalk. What was the case of this union, and what the recommendation of the Commissioners respecting unions of parishes in regard to it. The tithes of Dundalk consisted only of 17*l.* 16*s.* 8*d.*, and the value of the glebe land, which the right hon. Baronet omitted, but which was not material, was reported to be 68*l.* 5*s.*; the tithes of Castletown, with which it is united, were compounded for 200*l.* 6*s.* 5*d.*, and constituted the greater part of the revenue; and Dundalk, the county town, did contain 1,555 Protestants, while Castletown only contained fourteen. But what did the Commissioners recommend respecting it? viz., "that the Lord Primate states that this union will cease on the next avoidance, and that it is not intended to be renewed; and the Commissioners state that they agree in opinion with his Grace that a revival of this union is not desirable." And who were the sacrilegious persons who made this recommendation? They were the most reverend the Archbishop of Armagh the Primate of all Ireland, the right reverend the Bishops of Down and Connor, and the Bishop of Cloyne, besides the Lord-lieutenant, the Master of the Rolls, Dr. Radcliffe, and John Henry Forster. The next union cited by the right hon. Baronet was Collon Union. What, too, did these Commissioners recommend in the case of Collon Union? Why the very same Commissioners stated that the continuance of the union between Collon and Moston appeared necessary, but they considered a partial dissolution of the union practicable and advisable, by separating the parish of Dromyn from the union, and with this view they recommended a church and glebe-house to be erected in Dromyn. The third union to which the right hon. Baronet referred was Kilgarriffe, which consisted of three parishes, and would according to him be left with only an income of 357*l.* for the support of two clergymen. But he found on inquiry that these two clergymen were all the time only one man, who held the two-fold situation of vicar of the parish, and prebendary of the parish of Island, held in union with this vicarage, and whose duty as prebendary appeared, by the Report of the Commissioners on deans' and chapters' property, to be to preach five times in the year in the cathedral church. Before he had heard the statements of the right hon. Baronet, he had himself, wishing to see how far it was proper to vest so large a discretion in the hands of the Irish Government, taken two cases—and the first two, which he found in the same volume as that containing the Returns relative to the unions, both of the same class, and one of them being that of an union, all the parishes of which would come under the suspending portion of the Bill.

Lord *Stanley*, interrupting the noble Lord, handed across the Table to him a volume containing some report, said if the noble Lord would read the particular passage he pointed out, the noble Lord would find that he was incorrect.

Viscount *Morpeth* did not see how the passage bore upon his statement. He had not seen anything to disprove what he had stated. His authority, it was true, might have deceived him; but until it was proved to have done so, he should continue to entertain the most undoubting conviction of the truth of these allegations which he had made. He was alluding, when he received the interruption from his noble Friend, to two cases of unions, the first which had come under his notice in the Report. He wished to call the attention of the House to all the parishes comprised in these unions which came under the suspending Clauses of the Bill as not containing fifty members of the Establishment, as well as the other parishes belonging to them, the inhabitants of which varied in number. The numbers of the members of the Established Church in the two unions to which he referred, with the numbers of parishes which belonged to them, and the Protestants residing in them, were as follow:

| First Union | Members of Ch. Estab. | Tithe Comp. |
|---|---|---|
| Knoctopher | 99 | £175 |
| Anghavilla | 61 | 200 |
| Dunnemaggin | 10 | 200 |
| Kilkeasy | 12 | 185 |
| Derryraberry | 14 | 325 |
| Killana | 0 | 34 |
| Killcreddy | 0 | 0 |
| Killkervill | 0 | 25 |
| Protestants | 196 | 1,044 |
| The whole population | 7,507 | |
| Second Union. | | |
| Paleroan | 4 | 150 |
| Portnascully | 0 | 75 |
| Illud | 0 | 45 |
| Protestants | 4 | 270 |
| Population | 2,913 | |

With regard to the latter union, in which the number of Protestants was four, and the amount of tithe composition 270*l.*, he did not hesitate to say that such a case should be summarily dealt with; but with respect to the first of these unions, in which the total number of Protestants was 196, and the tithe composition amounted to 1,044*l.*, he thought that it presented quite a fit subject for the Ecclesiastical Commissioners and the Lord-lieutenant, in order that they might see whether some reasonable arrangement might not be come to, by which a due amount of remuneration would still be reserved to those who performed the duties in the unsuspended parishes of Knocktopher and Anghavilla, whilst a more suitable appropriation might be effected with respect to this union, than that by which the sum of 1,044*l.* was expended for the purpose of providing for the spiritual wants of 196 Protestants. A considerable impression was made on the House on a previous night, by the statement of the number of parishes in Ireland, which it was proposed, under the Bill, to suspend or sequester; but although the appointment of clerks to many parishes would be suspended under the provisions of the Bill, yet the appointment of clerks to the benefice of which these parishes might at present form part, would not, necessarily, be thereby suspended; and some pains had been taken to ascertain the effect of the Bill with this view, in regard, not to the parishes, but the benefices, in the following dioceses; which would be as much affected, if not more, by the provisions of the Bill as any other diocese, excepting those of Meath and Cashel. The first was the diocese of Waterford, which had been materially relied on by an hon. Member who spoke last night. This diocese at present consisted of thirteen benefices, consisting of thirty-two parishes. The appointment of clerks to six of these benefices might, by the Bill, be suspended; but of these six benefices, one was a complete sinecure, and in two others there were not any Protestants; and in the remaining three benefices, one only contained five Protestants, another fourteen, and another nineteen Protestants; and all these six benefices were, at the present moment, without either a church, glebe-house, or resident minister in one of them. But the appointment of clerks to the remaining seven benefices in this diocese would not be affected, the income of four of them would remain whole and untouched by the Bill, although that of the remaining three might be modified in part, inasmuch as they consisted of unions of parishes, in some of which it did not appear that there were any Protestants. He would next refer to the Lismore diocese. Out of forty-two benefices at present existing in this diocese, consisting of seventy-four parishes, as appeared by the Report of the Instruction Commissioners, only ten benefices would be left without a separate and individual minister, in consequence of these benefices being, at the present time, without either a church, glebe-house, or resident minister in any of these benefices, except two, in which a minister resided, to attend to the occasional duties, although there was neither church nor glebe-house in these two benefices. And what was the state of these ten benefices in regard to their Protestants congregations? One benefice was without any Protestants; four benefices with less than ten; two benefices with twelve in each; and three benefices with Protestant congregations, varying from twenty-two in the lowest, to thirty-one in the highest. It was true that the appointment of clerks to fifteen more benefices would be suspended; but then in each of these benefices a separate curate must be established (as there was either a church or glebe-house in each of them) at an income, if the Commissioners see fit, of 100*l.* in tithes, 25*l.* in glebe, and the use of the glebe-house, if the curate will only keep it in repair; and what was the state of the Protestant congregation in these fifteen benefices, some of them consisting of an union of two or three parishes? In three of these benefices the Protestant congregation was less than twenty persons; in three more, less than thirty; in three more, less than forty; in one less than fifty; in one, less than sixty; in two, less than seventy; in one, less than eighty; and in the last, which is an union of three parishes, the Protestant congregation consisted only of ninety-four persons. So that in three benefices, which contained less than twenty persons, the curate, if he were assigned 100*l.*, would be paid at the rate of 5*l.* a-piece for each Protestant; at the rate of 25*l.* for each family, there being only four Protestant families resident in those benefices. The last was Cloyne diocese. Out of eighty-three benefices in this diocese, consisting of 120 parishes, only twenty-one benefices would be left without a separate and individual clergyman; the state of the Protestant congregations in which, was as follows: eight of these twenty-one benefices were without any Protestants; eleven more were without, at this moment, either a church, glebe-house, or resident minister, and in not one of these eleven did the Protestant congregation exceed twenty-seven persons; in many of them it did not amount to anything like twenty-seven persons; one of these benefices contained only one Protestant; and although the appointment of clerks to thirteen other benefices in the diocese might be suspended, yet in each of these cases a separate curate must be appointed, as there was in each of them either a church or glebe-house, although in six of these benefices the Protestant congregation did not exceed twenty persons; in two, not more than thirty; in three, not more than forty; in one, sixty; and in another it was seventy-eight: leaving forty-nine benefices in this diocese, in which no suspension of the appointment of a clerk would take place; and that too in a diocese which will be as much affected by the Bill as almost any other. His right hon. Friend, the Chancellor of the Exchequer, had dwelt the other night at considerable length on this part of the Question; but he did not hesitate to follow his example, for it was only by the different Members of the Government addressing themselves to the immense mass of details by which this Question was surrounded, that the case could be fairly and adequately presented to the House. In this diocese of Cloyne to which he had last referred, he found that in itself the following was the number of the Protestants and the amount of tithe composition, in the following parishes of that diocese:—

| | Members of Ch. Estab. | Tithe Comp. |
|---|---|---|
| Killatty | 13 | £400 |
| Ballybea | 15 | 400 |
| Templeracarigy | 27 | 498 |
| Ballyvourney | 30 | 500 |
| Ardagh | 14 | 600 |
| Whitechurch | 20 | 784 |
| Moogeesla | 19 | 809 |
| Clonfriest | 35 | 869 |

The value of tithe composition in the diocese of Cloyne of sixty-eight parishes, with less than fifty Protestants, was 15,263*l.* and the total of the tithe composition in the same diocese was 43,369*l.* For the cure of a flock (said the noble Lord) commend me to the pastorship of Cloyne. The right hon. Baronet, the Member for Tamworth calculated, in the speech in which he introduced his Motion to the House, the number of benefices in Ireland to be 1,385. Now he admitted, that there were, in strict legal terms, 1,385 benefices in Ireland; but what was the state of many of these benefices? There were of sinecure benefices about sixty, others of them consisted of prebends or dignities of, or belonging to, cathedral Churches, with no other duties annexed but that of preaching five or six times in the year in the Cathedral Churches, as would appear by the second Report of the Revenue Commissioners relating to Deans and Chapters. But the number of parochial benefices in Ireland could not be reckoned at more than 1,250. And of the total number of 1,385, there were 264 benefices, in which the appointment of clerk would be suspended by this Bill, and in every instance where there was a Church or glebe-house, a separate curate would be appointed for each individual benefice, at an income, it may be, from tithes and glebe of 125*l.* with the use of the glebe-house, if he only kept it in repair. Now this reduced the existing number of parochial benefices from 1,250, to 1,000; and as there were about 500 benefices in Ireland, consisting of unions of two, three, or more parishes, it certainly would be competent to inquire into and ascertain the number of Members of the Established Church in each parish of any such union, with a view to a different distribution of Church-property. Some of these unions were of very great extent; Ballinakill in Tuam diocese, consisting of nine parishes, appeared by the Report of the Instruction Commissioners, to have its extreme points fifty miles distant from one another, and certainly nothing could be more inconvenient to the Members of the Established Church resident therein, than to allow such an union to continue; and it would become the duty of the Commissioners to assign each parish in which there were less than fifty Protestants, to the Ministers of the Church most conveniently situated to them. It might be said, however, that if a sum of 125*l.* were allowed to a curate for one of these benefices, it would reduce the amount of that surplus which it was intended should be available for the purposes of national education. He thought, that a large surplus would still remain if the principle on which the measure was founded, were adhered to, and which was, that where superfluous income existed, the wants of the clerical members of the Church who lived on the soil, or possessed the requisite number of parishioners, and performed the duties of their office, should be amply provided for. It had been argued, too, that in the first statement which he made of the funds which would be applicable to the purposes of national education, he had not calculated on the effects which would be produced by those Clauses in the Bill which provided for the reduction of the amount to be paid to the rector of certain benefices in which there might not be the prescribed number of Protestants; and it was added, that he had in all such cases provided that the sum should not sink below 300*l.* a-year. Now he had not by the Bill limited the amount to 300*l.* a-year; but he contended that the amount of income should be proportioned to the extent of ecclesiastical duty. That he had, however, ample ground for calculating on the funds which he thought might be applied to purposes of education, from the operation of the Clauses contained in this measure, he felt satisfied he should be able to prove by the Returns which he held in his hand, and to which he would call the attention of the House. The noble Lord read the following statement:—

1. Templemore, diocese of Derry—Gross value, 3,240*l.*; tithe composition, 3,235*l.*; value of glebes, 5*l.*; Protestant population, 3,314 (nearly 1*l.* per head for religious instruction).

2. Mullabrack, diocese of Armagh—Gross value, 2,055*l.*; tithe composition, 851*l.*; value of glebes, 1,204*l.*; Protestant population, 3,382 (being 12*s.* 1*d.* per head.)

3. Kilmore, diocese of Armagh — Gross value, 2,078*l.*; tithe composition, 1,213*l.*; value of glebes, 865*l.*: Protestant population, 3,914 (being 10*s.* 7*d.* per head.)

4. Donoughmore, diocese of Derry—Gross value, 2,115*l.*; tithe composition, 1,440*l.*; value of glebes, 675*l.*; Protestant population 1,677 (being about 1*l.* 5*s.* per head).

5. Louth, diocese of Armagh—Gross value, 2,048*l.*; tithe composition, 1,988*l.*; value of glebes, 60*l.*; Protestant population, 261 (being nearly 8*l.* per head).

The Second Class consists of Clergymen's Incomes, as above, exceeding 1,500*l.* compared with the Members of the Established Church in those benefices.

1. Cappagh, diocese of Derry—Gross value, 1,600*l.*; tithe composition, 1,000*l.*; value of glebes, 600*l.*; Protestant population, 2,720 (being 11*s.* 9*d.* per head.)

2. Clonenagh, diocese of Leighlin—Gross value, 1,500*l.*; tithe composition, 1,500*l.*; value of glebes, nil; Protestant population 2,409 (being 12*s.* 5*d.* per head.)

3. Donagheady, diocese of Derry—Gross value, 1,902*l.*; tithe composition, 1,350*l.*; value of glebes, 552*l.*; Protestant population 1,683 (being nearly 1*l.* 3*s.* per head.)

4. Maghera, diocese of Derry—Gross value, 1,665*l.*; tithe composition, 1,015*l.*; value of glebes, 650*l.*; Protestant population, 1,142 (being 1*l.* 9*s.* per head.)

5. Saughboyne, diocese of Raphoe—Gross value, 1,849*l.*; tithe composition, 1,700*l.*; value of glebes; 149*l.*; Protestant population, 790 (being 2*l.* 6*s.* per head.)

The Third Class consists of Clergymen's Incomes, as before, exceeding 1,000*l.* per annum, as compared with the Members of the Established Church in their benefices.

1. Termannaguirh, diocese of Armagh—Gross value, 1,483*l.*; tithe composition, 803*l.* value of glebes, 680*l.*; Protestant population, 1,722 (being 17*s.* per head.)

2. Loughgilly, diocese of Armagh—Gross value, 1,393*l.*; tithe composition, 808*l.*; value of glebes, 585*l.*; Protestant population, 737 (being 1*l.* 7*s.* 9*d.* per head.)

3. Clonleigh, diocese of Derry—Gross value, 1,190*l.*; tithe composition, 840*l.*; value of glebes, 350; Protestant population, 806 (being 1*l.* 9*s.* 6*d.* per head.)

4. Tamlaghfinlagan, diocese of Derry — Gross value, 1,235*l.*; tithe composition, 1,000*l.*; value of glebes, 235*l.*; Protestant population, 877 (being 1*l.* 10*s.* 5*d.* per head.)

5. Creggan, diocese of Armagh — Gross value, 1,350*l.*; tithe composition, 1,050*l.*; value of glebes, 300*l.*; Protestant population 686 (being nearly 2*l.* per head.)

The Fourth Class consists of Clergymen's Incomes, as before, exceeding 500*l.* per annum as compared with the Members of the Established Church in their benefices.

1. Borevagh, diocese of Derry—Gross value, 630*l.*; tithe composition, 580; value of glebes, 50*l.*; Protestant population, 546 (being 1*l.* 3*s.* per head.)

2. Clencha, diocese of Derry—Gross value 703*l.*, tithe composition, 555; value of glebes, 148*l*; Protestant population, 423 (being 1*l.*, 13*s.* per head.)

Dunleer, diocese of Armagh—Gross value, 637*l.*; tithe composition, 568*l.*; value of glebes, 69*l.*; Protestant population, 289 (being 2*l.* 4*s.* per head.)

4. Sermonfeckan, diocese of Armagh—Gross value, 673*l.*; tithe composition, 620*l.*; value of glebes, 53*l.*; Protestant population, 165 (being 4*l.* per head.)

5. Clonmany, diocese of Derry — Gross value, 505; tithe composition, 410*l.*; value of glebe, 95*l.*; Protestant population, 505 (being 1*l.* per head.)

So that he did not despair—by reducing, under that Clause, the superfluous income of the clergymen in those parishes, where it exceeded 300*l.*, of obtaining some available income for the purposes of general education. The hon. Baronet, the Member for the University of Oxford, was pleased, the other night, to refer to the case of an individual clergyman, the Bishop of Limerick, and in the justice of the tribute of respectful homage, then paid to him by the hon. Baronet, no one more entirely and cordially coincided than himself. A man of more learning, refinement, liberality, and piety, could not be found to contribute to the benefit of all with whom he might come in contact, and it was impossible for any one to entertain a doubt that his talents must be highly appreciated, and that his labours must have their legitimate and extended influence, in the diocese in which he resided; but in reading the letters which that right reverend Prelate had lately given to the world, he must own it struck him that the anomalies of the Irish Church, stated most unsuspiciously by him, presented themselves in a far stronger light than if they had been submitted in a more formal manner. The Bishop of Limerick was promoted from being a curate in Cashel to the living of Abingdon, in the diocese of Emly; and one of his letters contains this expression. "It is worth, I believe, 1,000*l.* a-year, with an incomparable House." The very next letter stated, "I am confined to a parish in which, Sundays excepted, there is nothing to do, and even then I have but a congregation of twenty, old and young." He had no doubt the residence of the Bishop of Limerick in that "incomparable House" contributed greatly to the successful result of those philological studies in which he had rendered himself so eminent; but it would be somewhat difficult to persuade him, that such an object was one of those for which parochial tithes originally were instituted. The present state of Abingdon was a confirmation of the Bishop's statement; for, on referring to the Report of the Commissioners of Public Instruction, he found the same system still prevailing in that parish. The Bishop of Limerick did not state how many Protestants resided in his parish, he only stated that his Church was attended by between twenty and thirty. The average number, however, appeared now to be only between ten and fifteen, who were diminishing, notwithstanding the "incomparable House," although the revenues were computed at 1,000*l.* for the two clergymen; yet the rector (who was the Dean of Emly) and the vicar were not resident, and the assistants resided in the adjoining parish; and while from ten to fifteen Members attended Divine service in the Church, the attendance on the Roman Catholic chapels in that diocese amounted to 3,800. He had, no doubt, that, through the residence of such a man as the Bishop of Limerick, the attendance on the Church would be improved, and the Protestant religion would gain credit and respectability; but it would be no more fair to take this as an apology for the present system, than it would be to attribute the outrages at Rathcormac to the state of the Established Church in Ireland. The noble Lord proceeded:—"It has been stated in the course of the debate, that there is no authority to be found in the Gospel for removing a religion which is once established. I have heard the Gospel quoted on both sides of the question, and in support of each view of it. In my humble judgment, there is no authority to be found in the Gospel that should regulate the secular arrangement of benefices, or other matters of a temporal nature connected with a Church; but it does, in my mind, prescribe, that feelings of true religion and good will to all men should universally prevail, as a debt which is due from man to God. But according to the Conservative reading, the Gospel must be differently interpreted; for they maintain that we have no right to alienate Ecclesiastical revenues, and do not hesitate to avow that the State ought to prescribe what should be the true religion. Thus they are for rendering to Cæsar what is God's, and to God what is Cæsar's. The right hon. Baronet, the Member for Tamworth, at the conclusion of his speech—and I assure the House, to whose indulgence I am so deeply indebted, that I am drawing to that of mine—said, that of the two alternatives before us, it would be more manly and independent to establish the Roman Catholic religion alone in Ireland; and I remember the right hon. Gentleman, the Member for the University of Dublin, also stated, that rather than consent to this Bill, he would agree to the total demolition of the Church Establishment. Now, for that alternative we are not prepared; we do intend to maintain the Church: we hope to improve it: but of this we are sure, that if you leave it in its present state—costly, cumbrous, and disliked, you will have no chance of saving it. So intimately persuaded am I, though I know no one of those opposed to me, will be in the slightest degree disposed to concur in the opinion, and though I am aware, that the state of things and parties in this country is such that the expression of it in this House will be scouted and derided; but I am, I repeat, persuaded, notwithstanding, that those who sit on this side of the House are fighting the real battle of the Church. And why should I not say this? Parliament was elected under an appeal to the people almost on this very point, and that Parliament has distinctly resolved that they will connect and couple the settlement of the property of tithe with the assertion of, and the working out of, the principle of appropriation. With that principle of appropriation the Members on the opposite side of the House have determined not to meddle; and it follows logically, I think, that in this House at least they cannot settle the question of tithes. Will you, then, leave the question unsettled? This House may—the other House of Parliament will—throw out the proposed measure; but when they have done so, and the present outcry ceases, and the excitement is subdued, and the angry invectives are stilled, then, when the arithmetic of this Report of the Commissioners, backed now by the recommendations of the right hon. Baronet (Sir Robert Peel), works its sure and steady progress in the minds of the people of this country, and when they have leisure and opportunity to weigh the proportions, and to digest the facts which it contains. I very much doubt whether, when we meet at the commencement of another Session, that the prospects of the Established Church will be found to have brightened in the interval; and whether we shall not find that the real, though less excitable well-wishers to the Church, will discover their means of supporting and strengthening it, materially curtailed by the ruinous success of her misjudging friends and suicidal allies.

Lord *Stanley* said, that he should perhaps better consult the feelings and wishes of the House, by abstaining from addressing it on that occasion after a discussion of three nights, and after the subject had been so fully, so ably, and so zealously discussed on a former occasion during seven nights, for at that time the principle under consideration was, he thought, nearly similar to the present, though the evils to be apprehended were certainly not of that imposing and exciting nature which the present Bill was well qualified to produce. Yet, notwithstanding the discussions that had taken place, and the complete development of the tendency, character, and object of the Bill, he, holding such opinions as he did, and was known to hold, and identifying himself so anxiously with the question of the Church Establishment, should consider it unfair to his own character, and not perhaps be in accordance with the expectation of many Members of the House, if he should give a silent vote on the proposition submitted by the right hon. Baronet, because although there were many schemes propounded, many suggestions thrown out for reform in the Church, he considered that proposition was the only safe and practicable proposition for allaying, in the first place, whatever discontent and animosity was entertained against the Established Church, whether that discontent and animosity were the result of the abuses and imperfections of the Establishment, or were created by the instrumentality of designing, adventurous, and selfish enemies to it; and, in the second place, for placing it on that high and stable ground of utility and permanency that was at once conducive to the cause of religion, morality, and good order. That proposition he, for one, would cordially support, because it was a wise, a beneficial, a statesmanlike proposition—it was a proposition of peace and of public benefit, and because he was resolved to resist at all hazards what was dangerous and ill-judged in the Bill, while he would be satisfied to adopt whatever was sensible, salutary, or useful in it. It was not triumph, it was justice—it was truth—it was the public good, he looked to; this was what he sought for, not the petty victory of a party for a season. He heard it stated on the other side of the House, particularly by his right hon. Friend (the Chancellor of the Exchequer, we understood), and he heard it with surprise almost amounting to incredulity, that the speech of the right hon. Baronet evaded the real question—that the question was not fairly dealt with—and that the speech aimed at carrying the audience to a conclusion different from what its words and bearing would warrant—that it meant one thing and stated another. He lamented to witness either this obliquity of intellectual vision, which could not see a distinct proposition in its proper light and form, or the sinister tendency of party, that would distort and misrepresent it. If ever there was a speech delivered within that House or without it, bringing home the force of demonstration to the mind of even the most sceptical; beating down every, even the remotest, attempt at refutation; combining mathematical calculation in its most enlarged scope, yet descending to the minutest particulars, with the most consummate logical skill and power of ratiocination, it was that speech—a speech that travelled in a chain of the most even, consecutive, and best regulated induction—in a category of undoubted facts—step by step, to the conclusion, not merely winning, but forcing, conviction, upon the most reluctant mind, whose invincible obduracy did not close every opening to conviction, and carrying conscience and judgment along with it, where conscience and judgment were to be found—a speech that at once showed the mind of a master, throwing off the exuberance of his knowledge, and quelling incredulity itself into reluctant, but tacit—he regretted it was tacit—acquiescence in his details and his inference, his premises and his deduction. It was a speech worthy of the best and brightest days of our senatorial oratory, and was one that showed that statesmanship in its most philosophical, and, at the same time, in its most practical, shape, was not yet extinct amongst us. To that speech where was the answer? There was none, for there could be none. It was founded on the rock of truth, and by it the eddies of party acrimony would sweep without harm. It laid down premises which were truisms, and not desired by those whose jaundiced vision saw everything through a discoloured medium, or whose passions, or prejudices, or, it might be interest, would lead them to misrepresent, or doubt, or deny—that speech, if there was sincerity or honesty in the House should decide the question of appropriation; for its premises were no less unquestionable than were its conclusions just and true. If he were disposed to argue this question on technical grounds, he might refer to very high authority, which not only on the present, but on many former occasions, had pressed the duty, the paramount necessity, of Parliament not suffering the two questions mixed up in this Bill to be introduced in one and the same discussion. His noble Friend (Lord Spencer), when Chancellor of the Exchequer, and those very colleagues of his noble Friend now opposite, with whom he (Lord Stanley) had then the honour of acting, stated, in submitting the matter to the consideration of Parliament, that the two questions were so broadly distinct from each other—the one relating to the vindication of the law and the security of property as established by law—the other to a prospective alteration in that law with reference to the future state of the Church, that it was not only inexpedient but absurd to connect the two. When his noble Friend also (Lord Morpeth) brought in the Bill which they were now discussing, how did he commence his speech? Why, by stating that the Bill necessarily divided itself into two subjects distinct and clearly separate from each other; the one relating to the arrangements with regard to tithe property, the other as to its appropriation, and the future state of the Church. But he would take no technical ground whatever; he stood on this great principle: he did not bring forward the question for the purpose solely of a separate discussion of two questions which were, in his view, of equal importance, but with the distinct and avowed object of enabling the House to reject altogether the principle of alienating to other than strictly Ecclesiastical purposes the revenues of the Protestant Establishment. His right hon. Friend (the Chancellor of the Exchequer) had stated, that the right hon. Baronet who opened the debate had omitted to state any arguments in favour of his own proposition, and had altogether confined himself to proving that there would be no surplus. He thought that he knew what the proposition was which was carried in April last by a majority, a small majority it was true, but still a majority. The resolution which was moved and carried by a Committee of the whole House, on the 3rd of April, was, "That it is the opinion of this Committee, that any surplus which may remain, after fully providing for the spiritual instruction of the members of the Established Church in Ireland, ought to be applied locally to the general education of all classes of Christians." Now, if any one proposition could be more distinct than another—if it were possible for any one to grapple more firmly with a principle than another—the proposition which had been stated, and the principle which had been grappled with by the right hon. Member for Tamworth were in that predicament. But the right hon. Baronet, with a success that could not be surpassed, had shown a surplus to be impossible, and therefore did he (Lord Stanley) call upon the promoters of the present measure to separate it into two distinct Bills. He thought that he not only understood the principle which the resolution was intended to embody, but that he had heard and understood the speeches of his noble Friend opposite (the Member for Northumberland), and that he also had heard and understood the speech of the hon. Gentleman (the Member for Middlesex). Would any one who had heard those speeches tell him what that noble Lord and that hon. Gentleman considered the principle of the Bill to be in accordance with that of the resolution? If the resolution meant anything, it meant this—that a real surplus, and that alone, was to be applied to the purposes of general education. When the subject was before them on the former occasion, some attempts had been made to elicit from hon. Members a definition of the word "surplus"—at least according to their acceptation of the term. The only attempt to explain it that he had heard was made by the hon. and learned Member for Tipperary, who only explained it by putting another word in its stead; he called it a superplus; but be it surplus, or be it superplus, it must at least be considered as over and above something, and according to the terms of the resolution it was to be over and above what might be required for the purposes of the Established Church in Ireland. Were they or were they not to proceed upon that distinct understanding? Was he to assume that there would be no application of the funds of the Established Church to the purposes of public education, if it turned out that there were no real surplus? [*"No."*] No! he hoped that that reply came from some hon. Member whose mind yet remained open to conviction, who yet indulged the amiable delusion that a surplus might eventually be found. His (Lord Stanley's) impression was, and he entertained no doubt that the general impression of the House was, that an extended application of Ecclesiastical revenues would be made to purposes of general education, whether there was a surplus or not. It could easily be collected, indeed it was distinctly stated, by his noble Friend on the other side of the House, that whether there was a surplus or not, there would be an application of the revenues of the Church to promote the purposes of popular education; it was therefore that he resisted then, and was prepared to resist to the utmost, the measure which had been introduced by his Majesty's Government. The promoters of that measure did not deny that there were strictly Ecclesiastical uses demanding much greater funds than they anticipated any surplus could ever amount to; there were even, upon their own showing, churches in ruins, benefices without glebe-houses, a number of parishes without any provision whatever for a cure of souls, and scattered throughout Ireland there were as many as 3,500 Protestants without the benefit of pastoral care in any shape or form. Would his noble Friend agree to leave one single case unprovided for? and yet he talked of dealing with a surplus when it had been proved that by no possibility could any surplus accrue. And thus his noble Friend was compelled to say—that a surplus must be made in order to carry the Bill into effect. [Viscount *Morpeth:* "No."] He wished to repeat the precise words used by his noble Friend, and he had the speech in which his noble Friend introduced the present Bill, which had been printed under his own sanction; and in that speech his noble Friend observed, that, "It may be said that according to the Resolutions of my noble Friend, the Secretary of State for the Home Department, the spiritual wants of the members of the Established Church are first to be provided for, and that the funds at present in the hands of the Ecclesiastical Commissioners are confessedly very defective. Will it be maintained that we are not at liberty to apply the funds that will arise under the operation of this Bill, to the general purposes of religious and moral education, the fund for Ecclesiastical purposes being still inadequate? I have no hesitation in saying that it appears to me we are clearly so entitled." But once more, he should meet any argument and explanation of that sort by saying that there was not, and there could not be, any such thing as a surplus. If, so far from there being a surplus, there proved to be a deficiency,—if it turned out that there were not funds to meet the admitted and undeniable spiritual wants of the Protestant population of Ireland, then he would beg to ask, did they still hold themselves at liberty to apply the revenues of the Church to the purpose of general education? It was, as the House already knew, his opinion that they were not entitled to make any such application, because, at the expiration of twenty years after 1853, the Ecclesiastical fund created under the recent Act would not have cleared off all its incumbrances, and yet, under such circumstances, they were called upon, as it were, to create a surplus out of the revenues for purposes not connected with Ecclesiastical objects. Were Members on the other side of the House prepared to tell the people of England that he and those who thought with him, in asking the House to separate principles so evidently distinct wished the House to rescind the resolution in the face of "a clear and acknowledged surplus?" What! would they persevere in calling it a surplus, when, by means of demonstration the most positive and indisputable, it had been shown that a surplus was impossible—nay, that even without the application of a single shilling to the building of glebe-houses or churches, there would be nothing to spare? Were they not then acting in perfect conformity with the resolution itself when they resisted a measure founded upon the mere pretence of a surplus? Would any man in the country believe that a true carrying out of the resolution was equivalent to rescinding it? He would not go over the whole case which had been so admirably stated by the right hon. Member for Tamworth; he would merely state enough to remind the House of the deduction which that right hon. Gentleman had drawn from the facts to show that there was no existing surplus to be appropriated to any purpose whatever. To the statements of the right hon. Member for Tamworth, the right hon. the Chancellor of the Exchequer had declared that he would not give any answer. The right hon. the Chancellor of the Exchequer had some time ago declared that his Majesty's Ministers knew on what ground to fight their battle. "And so," continued Lord Stanley, "do we." The opponents of the measure had been asked why they had not opposed the second reading? They did not oppose the second reading because there were portions of the Bill which they were not desirous of throwing out. The Bill contained two distinct classes of provisions; the one liable to comment, and probably susceptible of improvement; the other, which no alteration that might be made by the Committee could render endurable. The right hon. the Chancellor of the Exchequer had said the other evening, "that if he had thought that the Bill was liable to all the objections which had been urged against it by the right hon. Member for Tamworth, he would have died rather than have acquiesced in the second reading." Now, that might be brave doctrine for his right hon. Friend, the Chancellor of the Exchequer, but the opponents of the Bill thought differently. They were of opinion that "discretion was the better part of valour." They thought that, as they approved the principle of one portion of the Bill, and disapproved the principle of the other portion of the Bill, it would be better to agree to the second reading, and then to propose a separation of that part of the Bill the principle of which they approved, from that part of the Bill, the principle of which they disapproved; to assent to the one, and to repudiate the other. "But then," said his right hon. Friend, the Chancellor of the Exchequer, "why not let the Bill go into the Committee?" Because it was not desirable to discuss the details of a principle which was altogether vicious. The right hon. Member for Tamworth had stated in the opening of his speech, that the total revenue of the tithes of the parochial clergy of Ireland, after the necessary deductions, was only 288,162*l.*; and, that the total revenue, including the ministers' money, was only 375,000*l.* The right hon. the Chancellor of the Exchequer declared, that he would not grapple with the statements of the right hon. Member for Tamworth. When pressed for his reason, the right hon. Gentleman exclaimed, with the Jolly Knight, "Give you a reason on compulsion! If reasons were as plenty as blackberries, I would not give you a reason on compulsion." Going through the statement of the right hon. Baronet, it appeared, excluding all benefices in which there are less than fifty Protestants, there were 1,121 benefices, the ministers of which would receive an average income of 257*l.* a-year each; and, according to the provisions of the Bill, if all the benefices in which there were not more than fifty Protestants were suppressed, and their revenues otherwise appropriated, (a proposition to which he could never accede) the average value of the benefices in Ireland would be about 186*l.* a-year. Now, his right hon. Friend, the Member for Cumberland, had stated a variety of facts which proved that, by Lord Grey's Administration, the average rate of 300*l.* a-year was considered not too large a sum for the remuneration of a clergyman who performed parochial duties in Ireland. He (Lord Stanley) was happy to have a confirmation of that proof in a speech which had been made last year by his right hon. Friend, the Chancellor of the Exchequer. That right hon. Gentleman, in answer to some observations which had fallen from the hon. and learned Recorder of Dublin, said, "The question is as to the right of Parliament to deal with the surplus of the Church revenue in Ireland, if it shall be proved that that revenue is above what the necessities of the Church require. But supposing that every incumbent in England has on the average only 263*l.* a-year, and that every incumbent in Ireland has on the average above 200*l.* a-year more than that sum, I ask if that is a state of things which can be allowed to continue? Is the hon. and learned Member for the University of Dublin prepared, under such circumstances, to say, that the Church of Ireland is not possessed of excessive wealth? Let it be proved to me that the Church of Ireland is not endowed with superfluous wealth; let it be proved to me that the incumbents have not on an average more than 253*l.* a-year; and the question of surplus falls to the ground." Now, what was the fact? That according to one calculation the average value was 253*l.* a-year; and according to another 186*l.* But his right hon. Friend, the Chancellor of the Exchequer, contended that they did not want so many ministers, and that if the number were reduced, the average amount of their emoluments would be so exorbitant, that they must be reduced. Now, he assumed that the annual sum of 130*l.* would, on the average, not be considered too much for the discharge of the duties of a parochial church or chapel. Would his noble Friend admit that? [Lord *Morpeth*: "No!"] No? He had heard a great deal of lamentation from the opposite side of the House on the impoverished state of the working clergy in Ireland as contrasted with the pampered and bloated non-resident clergy; and now, when he asked them if they were prepared to sanction such an allotment of Ecclesiastical emolument, as would give to every minister serving a Protestant Church or Chapel the annual sum, on an average, of 130*l.*, their answer was "No!" His noble Friend opposite had said, that they should find abundant funds applicable to the purpose of general instruction. Certainly they would so, if they took those which were destined to provide for the spiritual wants of the members of the Established Church and left them no provision. There were in Ireland 1,383 churches, and 1,534 chapels, and other places of worship, served by Protestant ministers. If even only one minister did duty in each, that would be an average of 195*l.* He would select a few cases for the purpose of showing that there were a vast number of livings included in this average, of less than 200*l.* per annum, which, if the spiritual wants of the members of the Protestant Church were attended to, ought to be divided into two, three, or four. In the diocese of Armagh there was the parish of Granard, the gross income of which amounted to 1,360*l.* tithes; under the reduction it would only amount to 700*l.*; but Granard was a union, one of the parishes of which contained 655 Protestants, another 338, a third 265, a fourth 301, a fifth 692, making a total of 2,231; and accordingly there were five parish churches, with separate curates, all to be paid out of 700*l.* a-year; in all, six clergymen and their families maintained out of the produce of one union. In the diocese of Meath there was another union containing a population as follows:—211, 204, 368, 127, 200, 179, making a total of 1,289, the extent of the union being twenty-two miles by seven, containing five churches, served by six clergymen, who, with their families, were to be maintained at an expense of 385*l.* a-year, which, reduced, would be only 256*l.* under the proposed act. In the diocese of Clogher there was a union of twenty-two miles long by three miles broad. In that union there were one church and three chapels, and four clergymen were maintained on an income which, after the reduction proposed by the Bill, would be 250*l.* The noble Lord then gave the names of three other parishes, which were severally twenty miles by thirteen, twenty by fourteen, and twenty-eight by six, each with a number of Protestants, and each of which would be deprived of a portion of income by the present Bill. He might confidently ask the House if they thought, that by the operation of such a measure, the spiritual wants of the members of the Established Church in Ireland would be adequately provided for? Then in the diocese of Galway there was a benefice which occupied the greater part of Connemara. The extreme points of that benefice were fifty miles from one another; it included several islands lying off the coast, and it was well known to be the wildest part of Ireland. It contained three separate parishes and 582 Protestants. The gross income of that benefice, previous to the proposed reduction, was 205*l.* Now, really it was impossible that such a case as that should be permitted to continue if his Majesty's Government were really anxious to provide for the wants of the members of the Church Establishment. It was far from his wish that such allowances should be made as might pamper the clergy. But on the other hand, he maintained that every member of the Established Church ought to have that to which he had an indefeasible claim, and that if the real object of the Bill which his Majesty's Government had brought forward was to improve the condition of the Established Church in Ireland, they would have augmented the incomes which were deficient as well as have reduced those which they deemed too large. Would the House do him the favour to attend to one or two more instances? There was the parish of Kilgarry, with 198 Protestants, and tithes to the nominal amount of 215*l.*, which would be reduced to 120*l.*, and to that there were to be added two adjoining benefices, one containing eight Protestants, and another twenty-seven Protestants, the gross income being 450*l.* net, 260*l* to 270*l.* for the four parishes. Then he would entreat the attention of the House to a parish, which being called a union, was to be split, although it was only six miles by one, while there was another twenty-four miles by seven to undergo no alteration. Was he not, then, warranted in saying, that the Bill then before them was a most one-sided measure? Would it not be infinitely better to meet at once the real difficulties of the case, than to disappoint the country, and to defeat the purposes of sound religion by appropriating a mock surplus? Adverting to another benefice, his noble Friend said, that the right hon. Member for Tamworth had stated, that there were two incumbents, whereas there was only one. Now he (Lord Stanley) had examined the Returns, and he found that there were actually three incumbents, two of whom were resident [Lord *Morpeth*: "hear!"] The noble Lord cheered, and a more extraordinary cheer he had never heard. The noble Lord at first contradicted a statement of the right hon. Member for Tamworth; it now appeared that the statement of that right hon. Gentleman had actually fallen short of the truth, and yet the noble Lord cheered as if he had achieved a triumph. He should not then delay the House by going through the details of the various benefices which ought to be separated, or which ought to be united; but would content himself with affirming that there should be fair experiment tried, and the state of the Church revenues distinctly proved and ascertained before they proceeded to legislate upon an assumed surplus. Great as had been his astonishment upon various matters connected with the present measure, his astonishment was still greater at finding his own humble authority quoted in favour of the Bill, and reference made to the manner in which the Ecclesiastical Commission had proposed to deal with the livings of Collon and Dundalk. His noble Friend had contended that the course approved of with reference to those parishes was in accordance with the Church Temporalities' Bill, but opposed to the measure then before the House. The Church Temporalities' Bill, as the House must recollect, provided that when there was no service in a church during the three years next preceding, it was competent to the Ecclesiastical Commissioners, the Bishop of the Diocese being one, and five laymen of the Church of England being of the Commission, to suspend the receipt of the revenues, a stipend being allowed to a neighbouring clergyman for the performance of occasional duties, and where necessary, sufficient funds being provided for the building of glebe-houses and churches; for it formed no part of the provision of the Temporalities' Bill to alienate the revenues of the Church, but, on the contrary, a main feature of it was the application of all revenues scrupulously and strictly to Ecclesiastical purposes. Now, he asked, was that the principle of the Bill introduced by his noble Friend? If so, he should withdraw his opposition at once to that which he regarded as a measure for making a deduction from the revenues of the Church, directly and evidently for purposes not Ecclesiastical. To his mind it appeared that the Church Temporalities' Bill and that then before them were as different as light and darkness; however, at the risk of fatiguing the House, he would advert to one or two additional cases. There was in the diocese of Ferns a union of three parishes, in one of which there were 36 Protestants, in another 48, and in a third 99. The curate might be called a pluralist, but his total income in the reduced form would be only 24*l.* per annum. Another case, in which there were four parishes, one with 17 Protestants and an income of 80*l.* another with three Protestants and 76*l.* a third 25 Protestants and 39*l.* making a total of 160*l.* Two of these benefices bore the ominous names of Castle Ellis and Chapel Russell. When they were cutting down the revenues and benefices of Ireland, let him claim the attention of the House to the unfortunate cases of Castle Ellis and Chapel Russel. When they were cutting down the superfluities of the Church in one direction, were they supplying its deficiencies in another? No such thing. That was no part of the principle on which his noble Friend (Lord Morpeth) proceeded. On the other hand his noble Friend said, "where there is great duty to perform, and small compensation, there we will leave things as they are, with this trifling exception, that we will deduct about 45 per cent. from the income at present received by the incumbent; but where we find little to do and much pay, there we will take the pay and leave the clergyman to discharge his duty as he may." He must say, that there was one point connected with the manner in which the Bill proceeded, which struck him on the face of it with not being—(he would not use a harsh term)—with not being exactly fair. He meant the mode in which his noble Friend dealt with the benefices, and the way in which he had made a confusion—he could not suppose an intentional confusion—between benefices and parishes. English gentlemen listening to the noble Lord's proposal were disposed to say, "Nothing can be more monstrous: here are so many parishes, having so few Protestants; can any one object to diminish the incomes of the clergy in those parishes in which there are not 50 Protestants? All that was plausible enough, and admirably calculated to deceive those who knew nothing of the real facts of the case, beyond what they heard stated in that House. What was the real fact? In Ireland every parish was not a benefice—in many instances many parishes were united to form one benefice; and though it might be true that in each of those parishes separately, there were not more than fifty Protestants, yet in the benefice of which those parishes formed only a part, there might be 200, 300, or even 500 or 1,000 Protestants. In this Bill, however, the two words "parish," and "benefice," were completely confounded from beginning to end, but in every instance confounded in such a way as to give the advantage against the benefice. What were the instructions given to the Commissioners upon the point, and what was the sense in which the Commissioners received those instructions? They were to state the number and rank of the Ministers belonging to or officiating in each benefice, and whether there was a church or glebe-house therein. But the question which the present Bill would make necessary was, not whether there was a church or a glebe-house in the benefice, but whether there was or was not a church or glebe-house in each of those parishes which from time immemorial had been permanently united into one benefice. These united parishes in Ireland were to all intents and purposes as much one benefice, as legitimately and as well understood to constitute but one benefice, as several parishes covered with houses in England constituted one town. In Ireland it was not the church of the parish, but the church of the benefice; it was not the clergyman of the parish, but the clergyman of the benefice; in the days when vestry-cess was raised it was levied not on the parish but on the benefice; the churchwardens were the churchwardens not of the parish but of the benefice. The House would at once perceive the distinction between the two. But while on the one hand his noble Friend was ready, wherever he found the income of a benefice to be large, to pare it down to his notion of what was proper and sufficient, yet wherever the amount of duty was to be considered, he invariably measured it by the amount of the population in the parish. Again, when they came to look at the Report, the Report set forth an account of the number of benefices which contained less than 10, 20, 50, 100, or any other number of Protestants, and the Commissioners in presenting that Report distinctly stated that the Ecclesiastical parishes in benefices were not conterminous with parishes as existing for lay purposes. But in the face of that statement, his noble Friend took not the limit of the Ecclesiastical cure, but the bounds of each separate parish, of which that cure was composed, and that was the mode in which he sought to obtain a surplus. His noble Friend told the House that there were 860 parishes in Ireland, in each of which the Protestant population was under fifty. If his noble Friend had taken benefices instead of parishes, what would have been the result? There were just forty-one benefices in Ireland, which did not contain a single Protestant. And what was the total income derived from those forty-one benefices? The total income was 2,235*l.* After all that had been said of the Church of Ireland—of its neglect of duty—of its sinecure clergy—it appeared that 2,235*l.* was the whole amount paid to parochial ministers who within their benefice had not a single Protestant. Now it appeared to him that ample means might have been found for applying that 2,235*l.* beneficially to the Church in those districts in which at present no provision, or if any, very inadequate provision, was made for the wants of a Protestant population. It appeared to him that that sum, even though its amount was small, might have been beneficially applied in the augmentation of small livings; in diminishing enormous and unwieldy unions, and in providing for the proper and convenient performance of divine public worship in districts where there was a large and scattered flock. The proper way to test the incomes of the Protestant Clergy was not to take the income of each, but to strike an average of the whole. There were at the present moment 1,545 places of Protestant worship in Ireland, 1,383 beneficed clergymen, and 752 curates. Making an allowance for the curates, the income of each of the beneficed clergymen did not average more than 200*l.* each, whilst the average amount of the flock of each was not less than 616 souls. He knew that in the case of the Church of Scotland it was deemed, according to the wisdom of the venerable fathers by whom that Church was founded, that under any circumstances no clergyman could minister to the spiritual wants of more than 1,000 souls. He (Lord Stanley) did not say that under certain circumstances a man might not minister to the wants of 2,000, or even a greater number; but he said that there were districts in Ireland where the superintendance of twenty, or thirty, or forty Protestants was a duty which no single individual could undertake; and that when they were proposing a remedy for the supposed defects of the Protestant Establishment in Ireland, they should measure the labours of the Protestant Minister, in many instances, not by the amount of his flock, not by the numerical strength of his congregation, but by the length and breadth of his living, and by the extent of territory over which he had to travel. Yet by the proposition now under consideration a large extent of country was to be added to districts already too large, and one clergyman was required to perform duties which required the power not only of any one man, but of any ten men. He said, then, that the Government were not dealing fairly by the question—that they were not coming fairly at the surplus which they were determined to obtain. A surplus by some means or other they were resolved to obtain, and therefore they took up one side of the question only; they deducted where they found a superfluity, but they added nothing where they found a deficiency; they cared not about providing for the Church—they thought only of obtaining a fund, that they might place it at their own disposal. The object was placed broadly and plainly before them; there was no equivocation or doubt about it: a surplus was resolved upon, and a surplus would be had. His noble Friend said something to this effect, "I admit the necessity of a national establishment; I admit the immense importance of religion; I admit that religion cannot be obtained without human means; I admit that the best human means are to be found in a national establishment; but if I find that a small proportion only of the population are attached to that national establishment, I will diminish its income, and apply the surplus to the purposes of education, and to the teaching of the people in the great truths of Christianity." But surely the object of a great national establishment must be, to see that there was no spot of the empire beyond the reach of the national religion: that there was not in the empire a single individual who might not have the benefit of that religion; that the services of that religion might be administered, and its tenets taught in every parish, and in every part of every parish, without the admission of error, and to every class of the community who might choose to avail themselves of it. He dissented altogether, therefore, from the doctrine of his noble Friend. But if his noble Friend's doctrine were good for anything, he would tell him and the House, and the people of England, what it was to which his noble Friend's argument irresistibly led; to the appropriation of Protestant revenues to the purposes, not of the Protestant, but of the Roman Catholic Church. "And sweeping and dangerous," exclaimed the Noble Lord, "as in my conscience I believe such a step would be—would be, I say, because the feeling of this country never will allow you to carry it into effect. Dangerous as the principle and the practice would be, still in my mind it would be infinitely less dangerous, and infinitely less liable to objection, infinitely more safe as a ground on which you could stand, and not be removed, than the half-and-half mode adopted in this Bill. The hon. Member for Middlesex tells you, and tells you fairly and manfully, that upon your own principles and your own theories even if you obtain all you now claim, you cannot stand where you are. I agree with the hon. Member for Middlesex, I agree with him that this step once taken, must immediately be followed by others." He continued, the noble Lord would deal with the surplus revenue of the Church in such a way as to make it supply deficiencies in the establishment wherever deficiencies were found to exist. That, in his opinion, was the only proper use to which a surplus could be applied. If his noble Friend protested against that doctrine, he would ask his noble Friend what security there was in that Bill for the local appropriation of any surplus fund for the advantage of that part of the country in which the surplus was found to exist? How was the surplus to be applied? God knew how. The manner of its appropriation was left to the discretion of the Lord-lieutenant. He had no doubt but that the hon. and gallant Gentleman who had lately gone over to Ireland in an official capacity, would mark out with great precision the bounds of each benefice, and each district from which certain funds were derived; but he maintained, that there was no security whatever in the Bill, that the funds raised in one parish or district, would be appropriated in that parish or district. Out of this dilemma it was impossible for the Government to escape—if they applied the surplus in each instance only in the parish or district in which it was obtained, in that particular parish or district they would have a surfeit of education—if they applied it out of the parish or district it would not matter to that parish or district, whether it were applied to the purposes of education in a part of the country twenty miles off, or a 100 miles off. Many other points presented themselves to his mind;

but at that time of night he was reluctant to detain the House by dwelling, or even touching upon them. But he would ask the right hon. Gentleman opposite, he would ask his noble Friend himself, whether he seriously and in his conscience believed, after the warning he had received from the hon. Member for Middlesex, whether he believed, that this measure could, by possibility, afford a final or peaceable settlement of the Church question in Ireland? His noble Friend had been told by fifty of his friends, that the measure could not by possibility be regarded as a final measure. If his noble Friend were disposed to dispute that point, let him take only the votes of those who believed it would be a final measure—if his noble Friend would consent to pursue that course, he believed he need be under no anxiety as to any collision between this House and another branch of the Legislature. He imagined, that the supporters of the Bill, as a final, peaceable, and satisfactory measure, would dwindle down to a very miserable minority. "My noble Friend," continued the noble Lord, "has asked us, why it is, and how it is, that we can justify to ourselves the proposition for separating this Bill into two parts? I have told my noble Friend how and why I feel myself justified in supporting such a proposition. I have told him that it is because I conceive, as I have often stated, that all the elements of discord and confusion—all the occasions of strife and bloodshed—all the unfortunate collisions which have taken place—will be effectually terminated, and put a stop to by the first part of the Bill alone. If my noble Friend asks whether this will be satisfactory to those who are altogether anxious to obtain the whole of the revenues of the Established Church? I answer, No. As long as the Church exists, as long as it has 100*l.* of income, never will there be any satisfaction on the part of those whose object it is to make their own, and not the Protestant the dominant religion of the country. If you wish to secure a peaceable collection of the revenue of the Church, and afterwards to discuss a practicable and proper alteration of the law, with respect to the appropriation of that revenue, the course you have to take is, first to deal with those principles of the Bill, which affect the security of the property, and next to deal with those by which you propose to carry your principle into practice. But I ask my noble Friend, on the other hand, how it is that, under all the circumstances of the case, they, the King's Ministers, charged with the peace of Ireland—charged with the defence of property—charged with the maintenance of the law—charged with the support of the Irish Church—refuse to separate into two parts a Bill, one portion of which they know they have not the power to pass, because it embodies principles so objectionable in themselves, so utterly repugnant to the feelings of gentlemen—not of course intending to cast any imputation on those whose judgment differs from my own—that no prospect of political advantage, or expediency, can induce them to sacrifice their honest convictions, and to conform to them. 'I do not,' says my noble Friend, 'call upon you to repudiate or to deny your own principles. This I call upon you to do,' and it is the first time I have ever heard a Minister of the Crown make such a declaration:—'Here we have two measures which we ourselves have declared to be independent and separate.' [*"No, no!"*] I am not referring to this, but to the last measure—'Two measures which we have declared to be independent and separate, both of which tend to the promotion of peace and tranquility in Ireland—both of which we desire to connect together, and either or both of which we hold it to be essential to pass; and yet, because we have not the power to carry our views into effect in both cases, we will knowingly, and with our eyes open, refuse one great positive good, and endeavour to link ourselves with those who are seeking to starve out the clergy of Ireland, [*"No, no!"*] who are seeking to starve out the clergy of Ireland, by the withholding of their legal rights. And unless an alteration in the appropriation of Church property shall take place, we will take advantage of the feeling which may be produced in the clergy by the distress to which they may be driven—we will take advantage of the feeling of compassion which may be excited for their destitute situation elsewhere, and because we will not separate these two Bills, we will join in those unions which have been established for the purpose of starving out the clergy.'" He was well aware of the distress of the clergy of Ireland; and he earnestly desired to see passed so much of this Bill as would put a stop to that distress, by terminating that species of passive resistance which had so long withheld the rights of the Irish clergy. His noble

Friend (Lord John Russell) knew well that so much of the Bill he had the power to carry with very little, if with any opposition; but because his Majesty's Government could not pass the whole measure, they refused to pass any part of it. They were determined to wait another year, aye, or three or four years, until they could pass it; and that till then they were resolved that Ireland should not be pacified, nor her clergy rescued from starvation. But he would tell those Ministers that they would not succeed. He would tell them, moreover, that great as were the privations suffered by the clergy, he believed that one and all of them were prepared to suffer those, and greater privations—that they were prepared to trust even to the miserable resource of private charity to supply their wants, rather than see a principle carried into effect, which they knew to be destructive of the interests of that religion of which they were the faithful ministers. If he wanted a confirmation of this, he had it in what he held in his hand. It was an address presented to his Majesty by the clergy of the diocese of Tuam. They stated, that with regard to their being deprived by this Bill of three-tenths of their income, although they might consider such a deduction as a heavy penalty to be inflicted upon them, for discharging faithfully their duties as Christian ministers; yet, they would most willingly, for peace-sake, submit to it. When, however, they considered that the Bill also contained clauses, calculated not merely to effect the overthrow of the Established Church, but the ultimate extermination of his Majesty's poor, but always loyal Protestant subjects in Ireland, they felt that it would be a barter—that it would be a barter unworthy of their character as Christian ministers, to purchase freedom from persecution for themselves, at the expense as well of their successors as of those among whom they had so long lived. With grief, therefore, but at the same time with respectful earnestness, "they implored his Majesty, that no feeling for their sufferings should ever induce his Majesty to give his assent to a measure fraught with such ruin to his Majesty's faithful Protestant subjects." In accordance with these views, he trusted, that under no consideration would a Protestant Parliament be induced to give their sanction to a measure like the present, which, with those memorialists, he did believe to be fraught with danger to the interests of the Protestant religion, not only in Ireland, but by immediate induction in many parts of England also; yet he was equally desirous, on the other hand, that so much of this Bill might pass, as might remove the causes of outrage against the ministers of the Established religion, which had so long subsisted in Ireland. The settlement of one part of this measure would mainly contribute to the peace of Ireland, while the passing of the other part of the measure would bear within itself not only the cause of present confusion, but the seeds of eternal dissension, and such as would probably postpone the practical settlement that might otherwise be effected by the passing of the first part of this Bill. He therefore earnestly implored the House to reconsider the question before them, and divide this Bill into two parts.

Lord *John Russell* was sure, after the length to which the discussion had been carried during a debate of three days, that the House must be anxious to come to a decision, and manifest its opinion respecting the question before it. He should therefore, state his view of it in as brief a compass as he could. It was not his intention to follow his noble Friend through all the details of his speech; and parts of it which, for the present at least, he should not touch, though, perhaps, he might advert to them hereafter, he alluded more particularly to the latter part, in which, his noble Friend trenched on the Orders of the House, and used language which certainly was not parliamentary. In justice to the King's Government, of which he had the honour to be a Member, he must say, that they had brought forward this question soberly, calmly, and after long and serious deliberation; considering that it was necessary for the settlement of a long-disputed question—considering that it was a measure necessary for the peace of Ireland—considering that it was necessary for the security of the Established Church in that country, and for the advancement of religion itself. Acting upon these views, and entertaining these opinions of the measure, it was not for his Majesty's Ministers to say, whether there might be in that, or in the other House, such a number of Members adverse to the measure, as might be able to defeat it. If Ministers believed the measure to be required for those great objects which it was their duty to consult, if they entertained an honest and a conscientious opinion of its propriety, it was not for them to shrink from the assertion of their opinion, on being told that some persons in another House of Parliament were of a different opinion, and that the Bill would not be allowed to pass elsewhere. Was he to be told, that in either House of Parliament, there was a body of men so determined in their opposition to this measure, that no force of evidence, no power of argument, no consideration of prudence, no regard for the welfare of the kingdom, would induce them to listen to any terms, or to come to any compromise; but that, before the question had gone through a Committee of the House of Commons, it had been pre-determined that the King's Ministers should not have the power to pass the measure? If there were no other objection to such language, it was at least not decorous towards the House of Commons; it was a libel on the other House to state that it would not listen calmly to every thing which was said on the question. He would assert, that if the other House rejected the Bill, it would not be rejected without due examination. He could not believe that the other House, before the Bill had gone through its preliminary stages in that House, had made up its mind to reject it, without examination, without entering into any of its provisions, without looking into the Report of the Commissioners which had been laid before them; or that they were pre-determined to reject it, so that to them, at least as far as this Bill was concerned, should not belong the character of a deliberative body. He could not believe the other House would be induced to take such a course, though such was the import of what his noble Friend had had the condescension to declare to the House, as a reason to induce them to forego any further consideration of this measure. It was not his intention at that late hour to enter into those parts of the subject which several hon. Members had already gone into, and it was the less necessary, as, with the exception of one hon. Member, who made a speech upon the Poor-laws, which had no relation to the Question before the House, the whole of the discussion had been conducted, on both sides, with great ability and research. There was one thing, however, which fell from his right hon. Friend, the Member for Cumberland, that hardly seemed to come properly into the discussion—he meant the Address which his right hon. Friend read from the Synod of Dumfries; an address in which the addressers thought fit to menace the Sovereign with a defection of their allegiance, if the Legislature adopted this measure. Why, if any Roman Catholic agitator had presumed to say, that if this Bill did not pass, the allegiance of the Roman Catholics would be dissolved, with what invective would not the right hon. Baronet have denounced the presumption, the boldness—nay, the treason of those by whom such an assertion was made? However, with regard to these good, well-nominated, and well-subsisted members of this Presbyterian Synod, he thought their words might be turned aside as a mere empty menace. Now, the main Question at issue, or, at least, one of the main Questions, was that to which, he thought, nearly every Member on the other side of the House had paid little attention; that Question was as to the state in which we stood with respect to the collection of tithes in Ireland. This had been a frequent subject of discussion, and was peculiarly so when his noble Friend (Lord Stanley) introduced his Bill on the subject. The object of that Bill was to make composition of tithes compulsory. It was his noble Friend's, and his own opinion, that by passing that Bill they should secure the collection of tithes. At the end of the discussion of that measure, his noble Friend and himself stated their opinions upon the Question of Appropriation — his noble Friend stating, that he never would consent to alienate any part of the Church property, and he stating, on the other hand, that he thought the property of the Protestant Church was too great for the spiritual care of its members, and too great for its own stability. In the following year further attempts were made to collect tithe. But instead of persevering in those attempts, it was thought necessary by the Government of which his noble Friend was then the organ, to make a proposal to this House to give a million to the Irish clergy. From that time there had been no regular collection of tithe; and a Bill was introduced last year for the purpose of still effecting that object. But did that Bill, separated from the Question of Appropriation, succeed? The sum to be paid to the clergy was diminished—diminished, as he thought, too greatly—by a division in that House, in which the Government were in a minority. The majority of the House said, "that without a very great sacrifice—that of 40 per cent.—they would not pass a Bill for the collection of tithe." That Bill was thrown out in the House of of Lords; and he thought it must now be a matter of regret to many that it was so thrown out. But did the Government succeed afterwards in collecting the tithes. A right hon. and gallant Officer just now in the House (Sir H. Hardinge) said, there was nothing so much to be deprecated as the use of military force in the collection of tithes; and that he himself did not believe that the House would give its sanction to it. That right hon Gentleman then introduced a Bill not containing any provision respecting the appropriation. Upon the introduction of that Bill, he had moved the Resolution to which so much reference had been made, "that any surplus not required for the purposes of the Church should be applied to the religious and moral education of the people, without distinction of religious persuasion." The House adopted that Resolution, and another Resolution which followed, in which it was stated, that no measure on the subject of tithes in Ireland could be final or satisfactory without embodying the principle contained in the first Resolution. It was necessary to advert to these Resolutions, because it would be seen at once that the proposition now before the House was to undo that vote, and to induce the House to separate the two measures, and to say that the one measure approved of by the right hon. Baronet should pass, and that the other should be totally rejected. His belief was, that if they attempted to collect tithes without adopting the Clauses respecting appropriation, they would have to encounter greater obstacles than ever. The collection of tithes by law had not succeeded; and the attempt to collect tithes by military force had led to lamentable results. Looking, then, at the Question which his noble Friend put at the end of his speech, he would ask if they did not adopt this Bill, but adopt a separate Bill for the collection of tithes, would his noble Friend be able to make that collection with peace? Did he believe that, if he or any other man were now in the Government, after the Resolution of this House, after the strong opinion it had pronounced, it would be easy or practicable to collect tithes in Ireland without an immense augmentation of the military force, and without coming down to that House for increased supplies, and further measures of coercion? Nobody could believe that after the Resolution the House had passed, it would be ready to enter into any such contest, or that it would declare that for the sake of that principle which his noble Friend had stated, and which his right hon. Friend (Sir J. Graham) had also advocated, but on which they had received little support from the right hon. Member for Tamworth, Parliament would go into such a contest? and provided they could see the tithes collected, and the Protestant Church in safety, they would carry on the present system for the sake of the principle, that no part of the Church revenue should be appropriated to other than what they termed Ecclesiastical purposes. His noble Friend, and his right hon. Friend, thought the present revenues were not more than sufficient for those purposes, and that the object of an Established Church was to propagate that faith which they believed to be true, and that it was not the duty of the State to countenance the distribution of those revenues to other purposes? Now, he confessed that he took the view which his noble Friend (Lord Howick) had so ably advocated as to the duty of the State with regard to a Church Establishment. A Church Establishment was a means to an end, and he considered that end to be the promotion of good government, and the religious benefit of the whole community. On the Question he could not leave out of sight the fact that there were 6,500,000 Roman Catholics in Ireland. He could not talk of providing for the religious wants of the community without considering that there was that large body of people, being a great majority of the people of Ireland, separated from the Established religion. If the House meant to reach them, and to inculcate religious instruction into their minds, and teach them those parts of the Christian faith common to all, they could not do this by preaching in the Established Church, and, therefore, they must appropriate some part of the means to instruct them in that way alone in which they could participate of the benefits it was intended to confer. This was the calm and proper view to be taken of the subject by a statesman. When, therefore, he saw 3,250,000 Catholics, and only 150,000 Protestants in one province, he could not consent that the revenues derived from that province should be exclusively devoted to the religious instruction of the 150,000 Protestants, and that nothing should be contributed towards the religious and moral instruction of the three millions and a quarter of Catholics. But in making provision for the instruction of Catholics, he would do it in such a manner as would leave an ample fund to supply all the spiritual wants required by the Protestant Church. The Protestant Establishment in Ireland was sanctioned by the Act of Union, and was connected in a great degree with the property of the country; he therefore wished it to remain an Established Church. He did not enter into the views of those who said that there ought to be a Roman Catholic Church established in Ireland. He should think it a great misfortune to this country, and a source of deep regret, if there were such an establishment. He believed the great majority of the Catholics in Ireland did not seek for any such measure. He believed that the great body in this country, not only members of the Church, but all the Protestant Dissenters, would be opposed to any such measure. He was bound, therefore, by his views of policy, not to attempt to introduce the Roman Catholic Church into Ireland. But this he might do; he might provide for the Protestant Establishment what was sufficient for her wants; and he might then have a surplus revenue applicable to other purposes, among which he regarded as the most important, the providing moral and religious instruction for the Roman Catholics in Ireland, by which they might become better Christians, and better members of a civilized community. There was a great fallacy, he contended in the argument of the right hon. Baronet, which he derived from his calculation of the number of benefices and Protestants throughout Ireland generally. He had a different calculation in his hand which he had reason to believe was much more correct than those to which the right hon. Gentleman had referred. He found, that the income of the archbishops and bishops amounted to 128,800*l.* in round numbers, that of the deans and chapters to 10,900*l.*, the tithes belonging to the parochial clergy 470,500*l.*, after deducting five per cent. on benefices. There was then the value of glebe-lands, which, with ministers' money, might be taken at 85,000*l.* If they fixed the income of 627 benefices at 200*l.* a-year, of 229 at 300*l.* a-year, and of 259 at 400*l.* a-year, there would be, after all deductions, a much larger surplus than even that on which they had calculated. But his right hon. Friend, the Member for Cumberland, said, "I cannot conceive that we can have a Church Establishment, unless the means of religious worship are brought to every man's door." If that were correct, then he must say that we had not had what the right hon. Baronet would call "a Church Establishment" in Ireland for many years, for most certainly it had not had the effect which his right hon. Friend thought essential, of carrying the means of religious instruction home to every man's door. He could show his right hon. Friend unions of parishes, in which the church was distant from its communicants, ten, fifteen, and twenty-five miles. There were fifty benefices in Ireland, in which the whole number of Protestants was 526; in these benefices there were seventy-nine clergymen, sixty-nine of whom were non-resident, and in forty-two of them there was no church at all; yet the total amount of their tithe-revenues was not less than 13,889*l.* Making out this calculation to the utmost extent, he found that the amount of revenue derived from these benefices was in the proportion of 125*l.* for every Protestant inhabitant. In another union of parishes, the number of Protestants was seventy-three, and the income 3,700*l.* Which, he asked, were the truest friends to the Church, those who would build places of worship, and provide instruction where Protestants were resident, or those who would continue the present system with all its anomalies? But they were told that they ought to build churches, even where there were no Protestants now, and that congregations would come to them. That might have been wise some thirty, or forty, or fifty years ago, but that opportunity was let go by unheeded; and, like the man who could have passed the sands while the waters were low, but who delayed till they rose, there was now only the waters on one side, or a precipice on the other. But his noble Friend said, that no deduction of revenue should be made where there was now a church and a clergyman. He would take the case of Rathfriland, where there were a church and a clergyman; but there was not one Protestant inhabitant, though there were 1,400 Catholics. Was that a case in which they ought to keep up an Establishment and a resident clergyman? His noble Friend had referred to the cases of Collon and Dundalk, and pointed out the evils which would result from separations of some of the unions; but these separations had been recommended by the Commissioners, who were all members of the Established Church. It was said, however, that if they adopted this Bill, they must go further. He asked those who urged that argument, "If we do not sanction the principle of this Bill, can we continue as we now are?" For his part, after the best consideration which he could give to the subject, he had no hesitation in saying, and he believed that in this he spoke the sense of the great majority of the House, that the time for applying the remedy to these evils had arrived. That remedy his Majesty's Government had proposed, and to it they now asked the sanction of Parliament. If they passed this measure, they would render the collection of tithe practicable in Ireland, and give the Established Church in that country a degree of permanent security and stability which it never before possessed. The Roman Catholic inhabitants of Ireland would at length consider that their interests, their wishes, and their feelings, were not wholly neglected by the Legislature of the United Kingdom. They would at length believe that they were objects of some care and consideration with the Imperial Parliament. That the measure was not perfect he admitted; but did his noble Friend think they could rest as they were, without some such Bill? Did he think it possible, without some such measure, to support the Established Church in any form whatever? If this measure were refused, it would be utterly impossible to continue the tithe system, a system which, as now carried on in Ireland, was so repugnant to the principles of justice, and so opposed to the feelings of the great majority of their fellow-subjects in that country. Without going the full length of the principles of this Bill, it would be utterly impossible to collect tithe in Ireland in any shape, and the attempt would be productive of such scenes as the right hon. and gallant Officer, the late Secretary for Ireland, so strongly deprecated. They who said, that the collection of tithes would be practicable without this Bill, must also say, that "the sword which was hitherto glued to the scabbard, is now withdrawn." Could they look calmly at the consequences? If this Bill were rejected, those who refused it would probably have another Bill pressed on them at a future time, which would perhaps go much further; and then there would be unavailing regrets that the present measure was not adopted in good time. Let him, in conclusion, impress upon the House, that after the events which have recently occurred, there was no returning to the old system; and even if they could return to it, the growing discontent of the Irish people would render such a proceeding inefficacious. If the House passed this Bill, they would settle the question of tithe, and secure to the Church a certain amount of revenue. These were some of the results which he confidently expected would flow from the measure, which had the additional advantage of having received the support of those who had hitherto been adverse to all propositions of a similar description. That circumstance, he trusted, would render its reception and success in Ireland a matter of certainty. He confidently anticipated, that it would be considered a work of peace, and a testimony of the disposition of the House not to forget the real claims of the Irish people, nor to be backward in redressing the grievances of which they had so loudly and so justly complained. These were the grounds on which he urged the House to lend its sanction to the measure, and resist the Motion of the right hon. Baronet. These were the grounds on which he founded his hopes of its practical success.

Mr. *O'Connell* rose amidst loud cries of "Question," and "Go on." He said, if hon. Gentlemen would listen to him for a few minutes, he promised to sit down the moment they expressed their disinclination to hear him further. He should not go into any details on the question, for these were already fully before the House; but he said at once that one of the worst things which they could do for Ireland was to reject this measure. What was the real question before them? The House, which had been called together under the auspices of the right hon. Baronet, the Member for Tamworth, who had declared himself hostile to the great principle of the measure, the House had resolved that the Irish nation should participate in the advantages of that which was national property. That declaration had raised the hopes of the people of Ireland. He implored the House then to pause and consider the fatal consequences which must inevitably result from the rejection of the measure, not only to the empire generally, but to the hon. Gentlemen opposite, on whose actions and on whose course of proceeding alone, the consequences of that rejection must rest. The hopes of the Irish people had been raised; anticipations of the redress of long existing and heavy wrongs had been excited in their bosoms; they were taught, for the first time, to feel that their brethren in England had awakened to a sense of the demand they possessed on their sympathies and kindly feelings. He entreated the House not to cast lightly away the good effects which this impression had already produced. Tranquillity and peace had even now been in a great measure restored. The Judges in the southern and western parts of the country had complimented the Grand Juries on the tranquillity of their respective districts; the only disturbances that had been committed had taken place in the north of Ireland, and they had originated with the extreme loyalists, who had so misconducted themselves that it became necessary for the soldiers to fire upon them. He implored the House, in the strongest and most emphatic terms he could possibly make use of, not to accede to the proposition of the right hon. Baronet, the Member for Tamworth, the more especially after what had taken place in the course of the Debate; in which, although great interest was expressed as to the number of Protestants in different places—now stated to be 120 here and 50 there, and again 20 elsewhere—no allusion had been made to the number of Catholics in the different benefices. And yet, what was the real state of the case? In the diocese of Armagh the total number of Protestants was 783,000, of which 517,782 were Episcopalians, while the number of Catholics was no less than 1,437,401—1,437,401 Roman Catholics in the diocese of Armagh alone. In Dublin the number of Protestants was 177,930, and that of the Catholics 1,630,681. In the diocese of Cashel the number of Protestants was 112,434, the number of Roman Catholics 2,220,000 and upwards. In Connaught the number of Protestants was 444,900, the number of Catholics, 1,188,500. Could the Established Church in Ireland, under any circumstances whatever, be called a National Church? "Can you presume," continued the hon. and learned Gentleman, "can you presume, I ask you, to call the Established Church of Ireland a National Church? Turn Ireland into a Province, if you please; call it a Provincial Church, and then I will discuss with you the point, whether its extent is sufficiently commensurate with its utility to justify the appellation; but the mere act of calling an establishment ike this a National Church is as gross a violation of every principle of Nationality as can be conceived." The Catholics of Ireland, continued the hon. and learned Member, were six millions and a-half; the total number of Protestants was one million and a-half. Count them, take them man for man, and what was the result? A balance of five millions in favour of the Catholics. What did they find else? That there were two Catholics for every Protestant, and a surplus of three millions and a half of Catholics into the bargain. Why, was this Church Establishment, this National Church, to be endured. An hon. and gallant Member had alluded to the town of Dundalk, and had stated that the members of the Church were increasing in that neighbourhood. The town and parish contained 1,433 members of the Establishment, and when reminded that that included the fourteen Protestant inhabitants of Castletown, the hon. Member asked what that had to do with the case? But do not let it be forgotten that the rector of these united parishes was also rector of Louth. Where, then, was the anxious attention to the wants of the few Protestants in the parish of Castletown? Of course the rector of these united parishes does full justice to the 261 members of the Church in his parish of Louth. Where, then, was the anxiety to provide each clergyman with his 175*l.* The rector of Louth was resident, and had only his 261 Protestant parishioners to take care of. Why not then give up his 2,000*l.* a year surplus for other purposes. He would take the dioceses of Raphoe and Ardagh as to the number of the members of the Church and the Catholics, and even the most bigotted must admit that he had not taken an unfair case, but that it was unexceptionable. In the first of these dioceses, then, take the 33,500 members of the Establishment to the 145,000 Catholic inhabitants of it, and in the latter the 17,000 Protestants against the 195,000 Catholics. The revenues of the Church should be for the religious instruction of the entire 400,000 inhabitants of these dioceses. Every parish paid tithes—there was a glebe house, or land, in almost every one of the parishes of those dioceses. But take on the other hand, the diocese of Tuam, with its 467,000 Catholics, against its 9,000 members of the Establishment. The Establishment was intended for both the 9,000 Protestants and the 467,000 Catholics. He was told, however, in the vulgar language of authority, that Protestant worship must be maintained in every parish. Here, then, was the 467,000 Catholics and the 9,000 members of the Church. They were told, that the means of religious instruction must be maintained for the latter; but who was to provide for the religious instruction of the 467,000 Catholics? Was it not themselves? They were taxed for the maintenance of the Protestant Church, and they supported their own Churches, and they had their own Archbishops, and Bishops, and Deans, and Priests, and Curates, without coming to the treasury of Protestants, or taking money from their pockets. They did not require Protestants to contribute to their Church, but there were many liberal Protestants, and they received the blessings of thousands for it, who did largely contribute to the building Catholic places of divine worship. Was not the Protestant Church as good as that of the Catholics, that it required this adventitious aid? Had it not a powerful influence on the human mind? It was said, that the Catholic religion was founded in ignorance, and could be dispelled by education; how then could those who advanced such an opinion refuse to Catholics the chance of education out of the funds which they mainly contributed to? But there was an objection to educate the Catholics. It was said, that they were a benighted set, and buried in ignorance, and that the only remedy was in education. By this means it was said, that they would be made Protestants; then why not adopt the course, if such was the result that was expected? The truth was, they charged the Catholics with ignorance, and refused the means which they alleged would dispel it. The hon. Member for Cumberland had done him the honour of noticing him in a pointed manner—a notice which he (Mr. O'Connell) had not provoked in any manner; the right hon. Baronet had touched on topics which had not previously been alluded to; he then went on to sneer at the Catholics, and to heap his praise on the Protestant Dissenters of England; the deductions from his speech were very different from the facts he had stated, for he had drawn out of his pocket a passage of Clarendon, respecting the turning the Bishops out of the House of Lords, but instead of endeavouring to excite unnecessary fears, he should rather have deplored the circumstances which had brought matters to that point. He should have deplored their conduct, and remembered that the Bishops occupied themselves in hunting out where the Dissenters had last been at prayers, and pursued such a course of persecution as excited the indignation of the people of England. He should not have forgotten that they had lent themselves in every instance to palliate the crimes of the court. When the right hon. Gentleman sneered at the Catholics and praised the Protestant Dissenters of England—and endeavoured to excite alarm by alluding to the expulsion of the Bishops from the other House, he might have remembered, that this was done by the provocations heaped upon the Protestant Dissenters, and there was not a single Catholic then in Parliament who voted for the Bishops retaining their seats in the Upper House. They then pursued a consistent and zealous, but a mistaken course of policy. Was this then a topic for the right hon. Member to sneer at the Catholics for? But what had the Church gained by the rejection of the Bill of last year? By that Bill the Protestant clergyman was to receive 77*l.* 10*s.* per cent. from the treasury, and to be exempted from all the trouble and anxiety of collecting his tithes. Had the Irish clergy then gained by the rejection of the Bill of last year as compared with either of the measures that had been introduced in the present Session? The right hon. and gallant officer proposed in his Bill to give the Irish clergyman 2*l.* 10*s.* per cent. less than he would have received by that rejected by the House of Lords last year. A further reduction was to be made in this measure; so that if this measure had passed, 5*l.* 10*s.* per cent would be lost to the clergy in every 100*l.* more than would have been the case if the Bill of last year had not been delayed. But if this measure were rejected what would be the Bill of next year? The Bill of last year was rejected, which the noble Lord had opposed in consequence of so much being taken from the Church; but he hinted that that part of the Bill of this year which was to reduce the income of the clergy to 73*l.* 5*s.* per cent. should have his approval. So, then, this year, those were ready to accept 73*l.* 5*s.* who rejected the Bill of last year, which was to give the clergy 77*l.* 10*s.* per cent. The right hon. Baronet might despise the Catholics of Ireland, and might call upon the House to throw out this measure; but what did his Church gain by the rejection of the Bill of last year? Had the Church gained by the massacres that had taken place because that Bill did not pass? How had it gained—was it by the slaughter of the men at Rathcormac, whose lives would have been spared if this Bill had passed. Had the Church gained by the rejection of that Bill? He would appeal to the wailings of the widows and the screams of the children, and the moaning of the parents—for the husbands', and fathers' and offspring's blood that had been shed at Rathcormac. Were more Rathcormacs desired? The Catholics of Ireland were not only treated with disregard, but with contempt. In passing through Connemara, ten Protestants would hardly be met with in the district, which was equal to one to a square mile, and yet a Protestant Establishment must be kept up in that part of the country; "You are strong," observed the hon and learned Gentleman, and you will tell the Catholics of Ireland that their feelings and judgments shall be outraged, and that they shall still be exposed to every injustice? Will you tell them, that although they are upwards of 7,000,000, their feelings shall be wounded and insulted, and their interests sacrificed, for the gratification of 800,000 persons. It might be proper that the 800,000 should have provision made for their religious instruction; but would they not allow the overwhelming majority of the Irish nation to receive any share of education, the funds for which were mainly furnished by themselves, lest they should be improved? And who pursued such policy—what Statesman forsooth? He could not help smiling at the pious Sergeant (Mr. Sergeant Jackson) saying, that the numbers of the Irish Church had not increased because it had been so poor for such a series of years. He thought that he saw the tears flowing down the learned Sergeant's cheeks when he uttered such a pious lamentation. These receivers of tithes then were so poor that they could not propagate their religion in Ireland, and yet it might be thought that the Catholic priest would be poorer who received no tithes. The lamentation was, that there was no corn in Egypt, but how just was the remark. Allusion had been made to the Island Achlin, the Protestant incumbent of which received 900*l.* a-year. A person had been sent over to that Island from Exeter-hall to convert the Catholics. He took out with him a capital of 2,500*l.*, and took a number of Protestants with him, which were daily increasing. As the Island at the time was overflowing with population, the people were dissatisfied and drove the settlers elsewhere, and yet this had been the ground of attack on the Catholic Church. The same circumstances would certainly have taken place elsewhere. He could not refrain from laughing at the importance attached to the increase of the number of Protestants in some parishes. Any person who carefully looked at the two columns in the Report—the one taken in 1830, and the other in 1834—would see that the latter was rather a correction of the former; he, however, did not place the slightest reliance on such Returns. In one parish, near his own residence, it had been stated, that there had been a great increase in the Protestant inhabitants in the course of three years—namely, from thirty-two to forty-nine. Now it so happened that sixteen Protestants had been transferred from one parish to another. The keeper of the water-guard and his family had been moved from one side of the river to the other. So much for the increase of Protestants in that quarter. If there had been an increase in one parish, there had been an accompanying diminution in another. In another case an apparent increase had taken place, by a Protestant relative of his own and his family coming to reside in a parish. This, however, was miserable special pleading, with an important Question. He would not follow the right hon. Member for Cumberland through the length of his speech. He had amongst other things alluded to the Church of Scotland. But how did the Scots acquire their Church? Were there no Grahams or Græmes—no knights of the bright sword in those days. The Grahams seemed fallen from their former chivalry. They were become prudent country gentlemen, anxious to risk nothing? Those who conquered for the religion of their country, risked everything for it. The right hon. Gentleman, however, would risk nothing. They had also received a lecture on charity by one of the Members for Berkshire, whom he did not then see. Oh! he perceived that the right hon. Member had moved over the way; he congratulated him on his change of place —he was in his proper hemisphere—he was now in his proper element. The hon. Member reminded him of

The last rose of summer
Left blooming alone;
All its lovely companions
Were faded and gone!

The hon. Gentleman had shown a great deal of cunning, he appeared to be mighty charitable and kind on those points which did not hurt him in the slightest degree. He was willing to give Poor laws to Ireland, forsooth, which could not affect him in the slightest degree. The hon. Gentleman reminded him of the man who gave a stone when asked for bread. The hon. Gentleman said, that he would not consent to dispense with any portion of the revenues of the Protestant Church in Ireland. Would England give anything for the maintenance of the Catholic clergy? Were the people of Ireland to continue to pay the Protestant clergy if this measure did not pass? They regarded it as the earnest of the future peace and tranquillity of Ireland, and were their hopes to be disappointed, and the cup of expectation again to be dashed from their lips? By the Bill of last year the 1,000,000*l.* advanced to the Irish clergy was to be repaid to the English Treasury; but what was the right hon. and gallant Officer's proposed Amendment to this? The 1,000,000*l.* was to be allowed to the clergy, and no portion of that sum was to be repaid. The plan of the present Ministry was to give up the 1,000,000*l.* to the clergy, and by doing so to endeavour to make a purchase of the peace of Ireland! Twenty millions were freely given to remove the stain of slavery from the British colonies, and was the House unwilling to give 1,000,000*l.* to relieve the Catholics from the oppression of that grinding faction which had crushed the country to the dust—which had deeply imbued its hands in the blood of the people of Ireland, and was now as anxious as ever to pursue a similar course? The passing this measure would produce a great, an electric effect throughout Ireland. It would proclaim to the people of that country the downfall of those who had tyrannized over them—the dismissal of that faction which had ever exerted itself to oppress and crush them to the earth. Even now the toast was drunk of "Protestant ascendancy;" that was, that there should not be equality, but that one party should domineer over another. The law, however, had put Catholics on a footing of equality with Protestants, and if the attempt were made to put them down, they would reply, "We are 7,000,000, and will not be oppressed by a miserable minority." Was the House proud of putting its hands into the pockets of the Irish people for the purpose of taking tithes for the maintenance of the Protestant clergy? He thanked the right hon. Gentleman (Sir James Graham) for the sneers he had indulged in at the Catholics. He was a man of nice conscience: corn and currency was formerly his maxim; now it must be conscience and candour. The right hon. Gentleman had taunted him about the bloody head and bones. The sneer came extremely well from such a quarter: half Reformer, half Tory, pallid with fear on one side, insolent with temerity on the other. He would keep up the apparition before the right hon. Gentleman and set up the bloody head and bones for a coat of arms for him. The great object of the people of Ireland was to procure peace and tranquillity from the British empire. All that they demanded was justice; it had been long withheld from them, and then they demanded an independent legislature. The demand was made, and the proposition was met with an overwhelming majority of that House, and the unanimous vote of the other House; but then the two branches of the legislature solemnly promised to adopt immediate steps to get rid of the grievances of Ireland. He asked were they or were they not prepared to fulfil their promises? The right hon. Baronet opposite and his friends had never in their whole career benefited Ireland by more than a single measure, and that was invariably disfigured by their pointing to one individual and stigmatising him. He remembered the origin of the career of the hon. Member for Cambridge, and it furnished a melancholy story; but he certainly, with most beautiful consistency, held out to the last, and in the end pronounced his own eulogium. On what ground could they object to the present Bill? It provided for the spiritual wants of the Protestants, and it gave to the Catholics nothing more than just as much education as could be provided for them by the surplus. They were told that Ecclesiastical property was inalienable. Was it so? Did it not originally belong to the Roman Catholics, and was it not wrested from them? Was it inalienable? If so, he claimed it. The power which gave it to them, had the power to take it away. He put it to the hon. Member for Cumberland if a few Roman Catholics found their way to Cockermouth, and insisted on taxing the Protestants, what would he say? Would he not resort to his bright sword to resist the innovation? He would resist to the death, and he would have a right to do so. The people of Ireland did not resist. To be sure they had got a habit of not paying. Though perhaps the jocose speech of the noble Lord on the subject of his own religion might coax them into doing so. This was their time to introduce the principle contained in this Bill. They did wrong last year in rejecting it. Why was it rejected? Why because a noble Duke—no, he begged his pardon; he believed that noble Duke strove against the Opposition, seeing what the probable effect would be to the clergy; but he was overwhelmed, and acquiesced in the violence of those whose violence and bigotry were allowed to prevail. He hoped they would see no more religion stained with blood: he hoped they would see no more of the piety which, while it raised its eyes in devotion, found a musket with the bayonet fixed. Let them not be swayed at such a time as this by considerations of pounds, shillings, and pence; but let them rather, in the noble spirit of benevolence, endeavour to infuse peace and tranquillity into Ireland.

The House divided on the Amendment: Ayes 282; Noes 319; Majority 37.

### *List of the* AYES.

#### MEMBERS FOR ENGLAND.

Alford, Lord
Alsager, Captain
Ashley, Lord
Ashley, Hon. H.
Attwood, M.
Bagot, Hon. W.
Bailey, J.
Baillie, Col. H.
Barclay, C.
Baring, T.
Baring, H.
Baring, W. B.
Baring, F.
Barneby, J.
Beckett, Sir J.
Bell, M.
Benett, J.
Bentinck, Lord G.
Beresford, Sir J.
Bethell, R.
Blackburne, J. J.
Blackstone, W. S.
Boldero, Capt. H. G.
Bolling, W.
Bonham, F. R.
Borthwick, P.
Bradshaw, J.
Bramston, J.
Brownrigg, J. S.
Bruce, Lord E.
Brudenell, Lord
Buller, Sir J. Y.
Burrell, Sir C.
Calcraft, J.
Canning, Rt.Hn.Sir S.
Cartwright, W. R.
Chandos, Marquess of
Chaplin, T.
Chapman, A.
Charlton, L.
Chichester, A.
Clive, Viscount
Clive, Hon. R. H.
Codrington, C. W.
Compton, H. C.
Corbett, T.
Crewe, Sir G.
Cripps, J.
Dalbiac, Sir C.
Dare, R. W. H.
Darlington, Earl of
Davenport, J.
Dick, Quintin
Dottin, A. R.
Dowdeswell, William
Duffield, T.
Dugdale, W.
Duncombe, Hon. W.
Duncombe, Hon. A.
Durham, Sir P. C.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P., Bart.
Egerton, Lord F.
Entwistle, J.
Estcourt, T. G. B.
Elley, Sir J.
Elwes, J.
Fancourt, Major
Fector, J. M.
Fielden, W.
Finch, G.
Fleetwood, P. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forrester, Hn.G.C.W.
Forster, C. S.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goodricke, Sir F. H.
Gore, W. O.
Goulburn, Rt. Hn. H.
Graham, Sir, J.
Greene, T.
Greisley, Sir R.
Greville, Sir C.
Grimston, Viscount
Grimston, Hon. E. H.
Halford, H.
Halse, J.
Hanmer, Sir J.
Hanmer, Col. H.
Harcourt, G. V.
Hardinge, Sir H.
Hardy, J
Hawkes, T.
Heathcote, G. J.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hill, Sir R. Bart.
Hogg, J. W.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Hoy, J. B.
Hughes, W. Hughes
Ingham, R.
Inglis, Sir R. H. Bt.
Irton, S.
Jermyn, Earl of
Johnstone, Sir J. V. B.
Jones, W.
Kearsley, J. H.
Kerrison, Sir E.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Knight, H. G.
Lawson, A.
Law, Hon. C. B.
Lees, J. F.
Lemon, Sir C. Bart.
Lennox, Lord J. G.
Lennox, Lord A.
Lewis, W.
Lewis, D.
Lincoln, Earl of
Lopes, Sir B., Bart.
Lowther, Lord
Lowther, J. H.
Lowther, Hon. Col.
Lushington, S. R.
Lygon, Hn. Col. H. B.
Mackinnon, W. A.
Mahon, Lord
Mandeville, Lord
Marsland, T.
Miles, W.
Miles, P. J.
Miller, W. H.
Mordaunt, Sir J. Bart.
Morgan, C. M. R.
Mosley, Sir O., Bart.
Neeld, J.
Neeld, Joseph
Nicholl, J.
Norreys, Visct.
North, F.
Ossulston, Viscount
Owen, Hugh O.
Owen, Sir J. Bart.
Palmer, R.
Parker, M. E. N.
Parry, Colonel L. P.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Peel, Colonel,
Peel, Rt. Hn. W. Y.
Peel, E.
Pelham, J. C.
Pemburton, T.
Penruddocke, J. H.
Pigot, R.
Plumptre, J. P.
Polhill, Captain F.
Pollen, Sir J., Bart.
Pollington, Viscount
Pollock, Sir F.
Powell, Col. W. E.
Praed, W. M.
Praed, J. B.
Price, S. G.
Price, R.
Reid, Sir J. R.
Richards, J.
Rickford, W.
Ridley, Sir M. W.
Ross, C.
Rushbrooke, R.
Russell, C.
Ryle, J.
Saunderson, R.
Sandon, Viscount
Scarlett, Hon. R.
Scott, Sir E. D.
Sheppard, T.
Sibthorpe, Colonel
Smith, A.
Smyth, Sir G. H.
Somerset, Lord E. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Stormont, Viscount
Sturt, H. C.
Thompson, W.
Tollemache, Hon. A.
Towneley, R. G.
Townshend, Lord J.
Trench, Sir F.
Trevor, Hon. R. G.
Trevor, Hon. A.
Twiss, H.
Tyrell, Sir J. T.
Vere, Sir C.
Vernon, G. H.
Vivian, J. E.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, J.
Welby, G. E.
Weyland, R.
Witmore, T. C.
Wilbraham. Hn. R.B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, Hon. E.
Wood, T.
Worcester, Marq. of
Wyndham, W.
Wynn, Rt. Hn. C.W.
Yorke, E.T.
Young, J

#### MEMBERS FOR SCOTLAND.

Agnew, Sir A.
Arbuthnot, Hon. H.

Balfour, T.
Bruce, C. L.
Campbell, Sir H., Bt.
Chisholm, A.
Ferguson, Captain
Forbes, W.
Gordon. Hon. W.
Hay, Sir J.
Hope, Hon. J.
Johnstone, J. J. H.
Pringle, A.
Rae, Sir W.
Sinclair, G.
Stewart, Sir M. S. Bt.

### MEMBERS FOR IRELAND.

Archdall, M.
Bateson, Sir R. Bart.
Bruen, F.
Castlereagh, Viscount
Cole, Lord
Cole, Hon. A.
Cooper, E. J.
Coote, Sir C.
Copeland, W. T.
Corry, Hon. H. T. L.
Damer, G. L. D.
Ferguson, Sir R. A.
Hamilton, Lord C.
Hayes, Sir E. S. Bart.
Hill, Lord A.
Jackson, J. D.
Jones, Capt. T.
Kerr, D.
Kirk, P.
Lefroy, A.
Lefroy, Rt. Hn. T.
Lucas, E.
Longfield, R.
Mathew, Captain
Maxwell, H.
Meynell, Captain
O'Neill. Hon. Gen.
Perceval, Colonel
Plunkett, Hon. R.
Tennent, J. E.
Thomas, Colonel
Verner, W.
Vesey, Hon. T.
Young, Sir W. L.

### TELLERS.

Fremantle, Sir T.
Clerke, Sir G., Bart.

### PAIRED OFF.

Bulkeley, Sir R.
Forbes, Viscount
Geary, Sir W.
Grant Hon. F.
Maclean, D.
Martin, J.
Manners, Lord R.
Schofield, W. H.
Shaw, Rt. Hn. F.
Smith, T. A.
Stanley, A.
Vaughan, Sir W.
Wynn, Sir W.
Wortley, Hon. J.

## *List of the* NOES.

### MEMBERS FOR ENGLAND.

Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Angerstein, J.
Anson, Sir G.
Astley, Sir J.
Attwood, T.
Bagshaw, J.
Baines, E.
Bainbridge, E. T.
Barclay, D.
Barham, John
Baring, F. T.
Barnard, H. G.
Beauclerk, Major
Beaumont, T. W.
Berkeley, C.
Berkeley, Hon. C.
Berkeley, Hon. G.
Bernal, R.
Bewes, T.
Biddulph, Robert
Bish, T.
Blamire, W.
Blount, Sir C.
Bowes, John
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buckingham, J. S.
Buller, Charles
Buller, E.
Bulwer, E. L.
Bulwer, H. L.
Burdon, W.
Burton, H.
Buxton, T. F.
Byng, George
Byng, Hon. G.
Carter, J. B.
Cavendish, Hon. C. C.
Cayley, E. S.
Chichester, J. P. B.
Clay, W.
Clayton, Sir W.
Clive, E. B.
Cockerell, Sir C.
Codrington, Sir E.
Colborne, N. W. R.
Collier, J.
Conyngham, Lord A.
Cookes, T. H.
Cowper, Hon. W. F.
Crawford, W.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Denison, J. E.
Denison, W.
Divett, E
Donkin, Sir R. S.
Duncombe, T. S.
Dundas, Hon. J.
Dundas, Hon. T.
Dykes, F. L.
Ebrington, Viscount
Ellice, Right Hon. E.
Elphinstone, H.
Etwall, R.
Euston, Lord
Evans, Col. De Lacy
Ewart, Wm.
Fazakerley, J. N.
Fellowes, Hon. N.
Ferguson, Sir R. C.
Fitzry, Lord C.
Folkes, Sir W.
Fort, J.
Gaskell, D.
Gordon, R.
Goring, H. D.
Grey, Hon. C.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Gully, J.
Hall, Benjamin
Handley, H.
Harland, W. C.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Heathcoat, John
Heathcote, R. E.
Hector, C.
Heneage, E.
Hindley, C.
Hobhouse, Hn. Sir J.
Hodges, T. T.
Hodges, T. L.
Holland, E.
Hoskins, K.
Howard, Right Hn. E.
Howard, Philip H.
Howick, Viscount
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Kemp, T. R.
Kerry, Earl of
King, E. B.
Labouchere, Henry
Lampton, H.
Langton, Col. G.
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Lister, E. C.
Lushington, C.
Lushington, Dr.
Mangles, James
Marjoribanks, Stuart
Marshall, W.
Marsland, H.
Methuen, P.
Milton, Lord
Molesworth, Sir W.
Moreton, Hon. A.
Morpeth, Viscount
Mostyn, Hn. E. M. L
Morrison, J.
Ord, W. H.
Paget, Capt. F.
Palmer, General
Palmerston, Viscount
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pelham, Hon. C. A.
Pendarves E. W.
Pepys, Sir C,
Phillips, G. R.
Philips, M.
Phillipps, C. M.
Pinney, W.
Ponsonby, Hon. W.
Ponsonby, Hon. J.
Potter, R.
Poulter, J.
Price, Sir R.
Pryme, G.
Pryse, P.
Pusey, P.
Ramsbottom, J.
Rice, Right Hon. T. S.
Rippon, C.
Robarts, A. W.
Robinson, G. R.
Roebuck, J. A.
Rolfe, Sir R. M.
Rooper, J. B.
Rundle, J.
Russell, Lord
Russell, Lord J.
Russell, Lord C. F.
Scholefield, J.
Scott, J. W.
Scrope, G. P.
Seale, Lieut.-Col.
Seymour, Lord
Sheldon, E. R.
Simeon, Sir R. Bart.
Smith, B.
Smith, R. V.
Smith, Hon. R. S.
Spiers, A. G.
Stanley, Hon. H. T.
Stewart, P. M.
Strutt, Ed.
Stuart, Lord D.
Surrey, Earl of
Talbot, C. R. M.
Tancred, H. W.
Tennyson, C.
Thomson, Rt. Hn. C. P.

Thomson, Col.
Thornley, T.
Tooke, W.
Tracy, H.
Trelawney, Sir S.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Tynte, Col. K. K.
Tynte, C. J. K.
Verney, Sir H.
Villiers, C. P.
Vivian, J. H.
Vivian, Major
Wakley, T.
Walker, R.
Warburton, H.
Ward, H. G.
Wason, R.
Whalley, Sir S. S. B.
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, J.
Williams, W.
Williams, Sir J.
Williams, W. A.
Williamson, Sir H.
Wilson, H.
Winnington, Sir T.
Winnington, H. J.
Wood, M.
Wrightson, W. B.
Wrottesley, Sir J., Bt.
Young G. F.

MEMBERS FOR SCOTLAND.

Adam, Admiral
Bannerman, Alex.
Bowring, Dr.
Campbell, W. F.
Campbell, Sir J.
Chalmers, P.
Dalmeny, Lord
Denistoun, A.
Dunlop, Captain J.
Dunlop, C.
Fergus, John
Ferguson, R.
Fergusson, Right Hon. R. C.
Gillon, W. D.
Hallyburton, Hon. D.
Hay, Colonel L.
Johnson, A.
Loch, J.
Mackenzie, J. A. S.
M'Leod, R.
M'Taggart, J.
Maule, Hon. F.
Murray, J. A.
Oliphant, L.
Oswald, J.
Parnell, Sir H.
Sharpe, General
Stuart, A
Stuart, R.
Stuart, Lord J.
Wallace, R.
Wemyss, Captain

MEMBERS FOR IRELAND.

Acheson Viscount
Baldwin, Dr.
Barron, H. W.
Barry, S.
Bellew, R.
Bellew, Sir P.
Blake, Martin Jos.
Bodkin, J.
Brabazon, Sir W. J.
Brady, D. C.
Bridgman, H.
Browne, D.
Butler, hon. Pierce
Callaghan, D.
Chapman, M. L.
Clements, Viscount
Crawford, W. S.
Dobbin, L.
Evans, G.
Finn, W. F.
Fitzgibbon, Hon. R.
Fitzsimon, C.
Fitzsimon, N.
French, F.
Grattan, J.
Grattan, H.
Jephson, C. D. O.
Lynch, A. H.
Macnamara, Major
M'Cance, J.
Maher, J.
Martin, T.
Mullins, F. W.
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, Sir S.
O,Brien C.
O'Connor, Don
O'Connell, M. J.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Ferrall, R. M.
O'Loghlen, Sergeant
Perrin, L.
Power, P.
Power, J.
Raphael, A.
Roche, W.
Roche, D.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sullivan, R.
Talbot, J. H.
Vigors, N. A
Walker, C. A.
Westenra, Hon. H. R.
Westenra, Hon. J. C.
White, S.
Wyse, T.

TELLERS.

Stanley, E. J.
Wood, C.

PAIRED OFF.

Andover, Lord
Blackburne, J.
Cavendish, Hon. G.
Crawford, S.
Edwardes, Colonel
Fielden, John
Gisborne, T.
Heron, Sir R
Howard, R.
Jarvis, J.
Parker, J.
Ramsden, J. C.
Smith, J. A.
Talfourd, Sergeant

ABSENT.

Belfast, Earl of
Burdett, Sir F.
Cave, R. O.
Chetwynd, Captain
Churchill, Lord C.
Conolly, Col.
Dilwyn, L. W.
Goulburn, E.
Heathcoat, Sir G.
Knox, Hon. Col.
Lee, J. L.
Locke, W.
Long, W.
Maxwell, J.
Noel, Sir G.
Ord, W.
Poyntz, W. S.
Sanford, E. A.
Scott, Lord, J.
Strickland Sir G.
Tapps, Sir G. W.
Thompson, R. B.
Turner, T. F.

ANALYSIS.

| | For the Motion. | Against. |
|---|---|---|
| English | 232 | 224 |
| Scotch | 16 | 32 |
| Irish | 34 | 63 |
| | 282 | 319 |

| | | | |
|---|---|---|---|
| For | 282 | Vacant (Stafford) | 1 |
| Against | 319 | Absent | 23 |
| Tellers | 4 | | |
| Paired off | 28 | | 24 |
| Speaker | 1 | Brought over | 634 |
| | 634 | Total | 658 |

Amendment lost.

The House went into Committee *pro formâ*—and resumed.—Committee to sit again.

## HOUSE OF LORDS,

### *Friday, July* 24, 1835.

MINUTES.] Bill. Read a second time:—Stamp Duties Offices' Consolidation.

Petitions presented. By the Marquess of SALISBURY and the Earls of ABINGDON and HAREWOOD, from Oxford, Maidstone, Doncaster, and another Place,—against the Municipal Corporations' Bill.—By Lord BROUGHAM, from Bath, in favour of the whole of the above Bill; from the City of London, in favour of the Prisoners' Defence Bill; from Alverthorp-with-Thornes, against Dram-drinking, and against Allowing Beer to be drunk on the Premises.

## HOUSE OF COMMONS,

### *Friday, July* 24, 1835.

MINUTES.] Petitions presented. By Mr. HENRY L. BULWER, from the Tower Hamlets, and from a National Union of the Working Classes, for the Mitigation of the Sentence on the Dorchester Unionists.—By Sir M. S. Stewart, from Ayr, against the Imprisonment for Debt (Scotland) Bill.—By Sir Robert Bateson, from Aughamawurt, against the Irish Church Bill.—By Mr. Sinclair, from Irvine and Rafford, in favour of the Grant for Building Churches in Scotland.—By Colonel Leith Hay, from Elgin and Inverary, against the Aberdeen University Bill.—By Major Cumming Bruce, from Elgin County, and two other Places, for Protection to the Church of Scotland.—By Mr. R. Stewart, from North Berwick, against the Royal Burghs' (Scotland) Bill.—By the Attorney-General, from the Royal Burghs of Scotland, for the Repeal of the Acts relating to the Leith and Newhaven Ferries.—By Mr. R. Colborne, from the Governors of Bridewell and St. Thomas's Hospital, against the Prison Regulation Bill.—By Mr. Herbert Curteis, from Uckfield, for withholding Compensation from the Proprietors till the Rights of the Black Population be properly secured; from Toberkeigh, for the Better Observance of the Lord's Day; from several Places, in favour of the Church of Ireland Bill.—By Mr. E. Tennent, from Belfast, against Drunkenness.—By Mr. W. Smith and Mr. O'Brien, from Kilbradan, for Inquiry into the Conduct of the Limerick Magistrates.—By Mr. C. Buller, from Liskeard, against Drunkenness.—By Mr. C. Buller, from Uttoxeter, for the Repeal of the Duty on Newspaper Stamps.—By Mr. Lowther, from York, against the Ecclesiastical Courts' Bill.—By Mr. Tooke, from two Metropolitan Parishes, against the Parish Vestries' Act Amendment Bill.

Tithe on Turnips.] Captain *Pechell* presented a Petition most numerously and respectably signed by the flock-masters on the Southdowns, and others in the western division of the county of Sussex, praying that a law might immediately be passed to declare that agistment tithe only should be due for turnips pecked up or severed for the depasturage of their sheep. He, Captain Pechell, was aware to what a length the subject of tithes had been carried by a three nights' debate in this House; yet he felt himself compelled to state the hardship complained of by the petitioners in consequence of the Courts having now decided that turnips pecked up in advance of the fold, though consumed on the ground where produced, should pay tithe in kind. The petition was signed by a large party of agriculturists who owned among them no less a number than 38,180 sheep. There were eleven individuals whose flocks varied in number from one to two thousand sheep, and there were fifty-two whose average flock consisted of nearly 400 each. Surely these persons deserved to have their case taken into consideration, and that their very large property vested in farming should be protected. The petition might be viewed as coming from these 38,180 sheep, who begged to be permitted to enjoy their ancient privilege of feeding on turnips uncontaminated by the law of tithe in kind, to which process they have never (till lately) been liable, and they were now deprived of the tenth part of the food that was sown for their advantage. The question could no longer be considered as one between the tithe-payer and the tithe-owner. Now, Gentlemen opposite need not assume that these petitions had for their object the impugning of the conduct of the clergy; for the question was, whether the law was to remain in the present state when a different mode of cultivating the land had been brought into practice. The law Courts had decided that turnips should be titheable in kind under certain circumstances, which now operate in a most injurious and vexatious manner; and he now called upon the hon. Gentlemen opposite to join with him in bringing in the Bill of which he had given notice, being assured that it was as beneficial to the interests of the tithe-payer as it was to the tithe-owner. He had intended to provide, by the same Bill, for all suits and complaints for tithes under 10*l.* being heard and determined before two justices; but he had now separated the Bill, and he hoped that this circumstance would not operate to its prejudice, notwithstanding the strong feeling evinced by the House last night for refusing the Motion of the right hon. Baronet (the Member for Tamworth), for separating the Irish Tithe Bill. It was absolutely necessary that the House should take some step towards the settlement of this question, so interesting to the flock-masters of England; and it was equally necessary that a stop should be put to the practice of carrying suits for tithes under 10*l.* into the Superior Courts. It could not be supposed that this practice should be permitted any longer. If the hon. Member for Lancaster did not know why the tithe-owner proceeded always to levy his tithes in the Superior Courts, he, Captain Pechell, would tell him—that in all suits determined before the Magistrates, only 10*s.* in costs were given. The hon. Member might probably know how many hundreds of pounds are generally awarded in the Court of Exchequer. He hoped the House would permit him to bring in the two Bills of which he had given notice for this evening; and, on the part of the petitioners, he moved that this petition be brought up.

Mr. *Herbert Curteis* rose to give his warmest support to the petition now presented by the hon. Member for Brighton. He considered the claim for tithes in kind of turnips used for the pasturage of sheep as most unjust and oppressive; indeed, he considered that the tithe in kind in any crop most injurious and vexatious. He would give his support to the Bill about to be introduced by the gallant Member for Brighton, as the means of at once going to the abolition of a practice so universally reprobated.

Petition to lie on the Table.

IPSWICH—CASE OF MR. CLIPPERTON.] Mr. *Freshfield* moved, that John Clipperton be brought to the Bar and discharged.

Lord *John Russell* said, that when this question was before the House on a former occasion, he had understood the debate to be adjourned until the evidence was printed, in order that hon. Members, before deciding on the case, might know the facts of it. It now appeared that the evidence would not be printed so soon as the hon. Member for Montgomeryshire anticipated. He should, therefore, move that the debate be adjourned till Monday.

Mr. *Williams Wynn* said, that on inquiry at the printing-office this morning he had ascertained that the press of business there was so great, more particularly in consequence of the printing of the evidence on Orange Lodges, that there was no chance of the evidence in this case being printed just yet. When Mr. Clipperton was before the Committee he had refused to answer certain questions, claiming the protection of his profession. He (Mr. Wynn), in common with the other Members of the Committee, had conceived that such a claim was not tenable: but he had since read a judicial decision given by Lord Brougham, from which it would seem that the protection to be claimed by an attorney in virtue of his office went much beyond what he imagined. He hoped that when the evidence was printed, the hon. and learned Gentleman opposite would give his opinion how far the witness had been justified in his refusal to answer the questions put by the Committee.

The *Attorney-General* said, that as no further proceedings were, he believed, to be instituted against Mr. Clipperton, the delicacy which he should otherwise have felt was removed, and he should, therefore, most certainly give his opinion on the case on Monday.

Lord *John Russell* said, that he hoped on the same occasion the right hon. Gentleman opposite would give his opinion as to the law of Parliament in this case. A great many years ago, a witness in the Grampound case had refused, under similar circumstances, to answer questions, and the right hon. Gentleman then expressed so strong an opinion that he (Lord John Russell) moved the House not to press the question further.

Sir *Edward Knatchbull* conceived, that Mr. Clipperton had already suffered enough in being confined for six weeks, at a season of the year when such confinement was peculiarly injurious.

Mr. *Hawes* was sorry that he could not discharge his duty and Mr. Clipperton at the same time. He was not disposed to show him mercy until the prisoner was ready to show his papers, or give a sufficient reason for having destroyed them.

Mr. *Roebuck* dissented from the doctrine that an attorney so circumstanced was privileged on the ground of professional confidence.

Mr. *Freshfield* maintained, on the authority of the case decided by Lord Brougham, that Mr. Clipperton could not, as a man of honour, or as a professional man, answer the questions put to him, and he hoped to be able to convince the House that he had only done what was his duty.

Mr. *Scarlett* thought, that Mr. Clipperton ought not to have been called upon to divulge the secrets of his client. He considered him an honest straightforward man, incapable of a dishonourable act, but he admitted that his knowledge of him was not great.

The House divided on the Amendment—that the debate be adjourned till Monday.

Ayes 54; Noes 23; Majority 31.

TITHES (ENGLAND).] Mr. *Hodges* presented a Petition from Hawkhurst, for an inquiry into, and alteration, of the Law relating to Tithes. The petition was signed, he observed, by nearly all the respectable inhabitants of the parish; men of all parties, who united at least upon one point, viz., that the present tithe system must be speedily amended. The tithes of Hawkhurst belonged to the Dean and Chapter of Christchurch, Oxford, who let them on lease to their attorney, while the officiating minister was very inadequately provided for. The exactions had been so severe that out of forty-eight renting farmers in Hawkhurst, no fewer than twenty-three had become insolvent, a proportion unequalled in any other part of that or the adjoining county. He contended that unless relief was given by a change in the tithe system, other parishes would soon suffer, and the agricultural interest be reduced to the lowest state of poverty. It appeared that there had existed a *modus* at Hawkhurst, but the tithes were now taken in kind, and the impropriator under the Dean and Chapter of Christchurch lived at Oxford, and as he would not pay rates but upon compulsion, whenever a poor-rate was imposed due notice was obliged to be sent to him at Oxford to the great expense of the parishioners. The poor-rates in the parish were necessarily very considerable, and they had been increasing during the last five years. He trusted that in the next Session some measure would be brought forward to meet and remedy the evils of the present system. The hon. Gentleman concluded by asking what course his Majesty's Ministers intended to pursue with respect to the question of English tithes?

Sir *Edward Knatchbull* agreed with his hon. Friend in thinking a material and extensive alteration in the English tithe-laws absolutely necessary. It would afford him great pleasure, therefore, to hear from the noble Lord opposite that his Majesty's Government had it in contemplation to introduce some measure upon the subject.

Lord *John Russell* had, on a former occasion, stated the reasons why his Majesty's Ministers did not think it expedient to proceed with a measure on the subject of the tithe-laws in England during the present Session. He now begged to add, that he should be prepared, on the part of the Government, early in the next Session of Parliament, to submit a measure on the subject to the consideration of the Legislature. On a former occasion he had stated, that he thought it would be advisable that the subject, after it had been laid before Parliament, should be referred to the consideration of a Select Committee, in order that the different bearings of the question, and the different amount and operation of tithes in different parts of the country, might be duly and properly considered. He would only add, that he still retained the same opinion as to the propriety of that course.

Petition to lie on the Table.

PREROGATIVE OF MERCY — LADY MULGRAVE.] Sir *Robert Bateson* wished to put a question to the noble Lord, the Secretary for Ireland. At a late Assizes in Ireland, certain parties had been convicted of a misdemeanour, and sentenced to six months' imprisonment; but he had heard, that in consequence of a memorial to Lady Mulgrave, those parties had been liberated, without any communication with the Judge who presided at the trial. This he considered to be very unusual; and he wished, therefore, to ask the noble Lord whether he was aware of the circumstances?

Viscount *Morpeth* observed, that the case was this—that at a late Assizes, certain parties were convicted, on cross indictments for a riot, by the same Jury. The Chief Baron sentenced all the parties included in one of the indictments, and who were Catholics, to six months' imprisonment; and the parties included in the other indictment, and who were Protestants—some to three and some to two months' imprisonment. All the Jury, eleven of whom were Protestants, signed a petition to the Lord-lieutenant, and not to the Lord-lieutenant's Lady; which petition was also backed by the Mayor of Derry; praying for the remission of the longer sentence passed on the Catholics; and with that prayer the Lord-lieutenant thought it consistent with his duty to comply. The hon. Baronet had alluded to Lady Mulgrave. He was surprised that that noble Lady should not have escaped an attack in the newspapers, for merely having sent a private charitable letter, in reply to one received by her from the wife of one of the prisoners.

Sir *Robert Bateson* hoped the House would indulge him, while he gave a brief explanation. He could assure the noble Lord that he never stated, in his question, anything as to whether the sentences were passed on Protestants, or Catholics, or Quakers. He asked the question simply as to the matter of fact, whether the sentences had been remitted without any communication with the Judge who had tried the prisoners. As to Lady Mulgrave, he assured the noble Lord that he meant nothing offensive in his observations. He had not read any newspapers; but was instructed, by letters from very respectable persons, that an application had gone to her Ladyship. He was the last person in the House to lessen or impair the influence of the fair sex, or in any degree to check the exercise of their benevolence.

Mr. *O'Loughlen* wished to set the hon. Baronet right as to what was the practice with regard to applications to the Lord-Lieutenant for the exercise of the prerogative in the case of the remission of sentences on prisoners. It was by no means unusual for the Lord-lieutenant to make such remission when accompanied by such strong representations as were made in this case, without at all referring the question to the Judge who passed the sentence.

Subject dropped.

Imprisonment for Debt.] The *Attorney-General* moved that the Order of the Day, for the further consideration of the Report, be read.

Mr. Law moved, as an Amendment, that the further consideration of the Report be postponed till Monday next.

The *Attorney-General* hoped the hon. and learned Gentleman would not persevere in his Motion. He had given early notice of his intention to bring this Question on to-night; and he was very anxious to do so, for there were hundreds and thousands of persons looking forward to the passing of this measure; all of whom were suffering that sickness of heart which arose from hope deferred.

Mr. *Law* said, that his reason for wishing the Motion to be postponed was, that many hon. Members who were anxious to declare their sentiments on the subject, were not present.

Lord *John Russell* observed, that the hon. and learned Gentleman must be aware that it was intended on Monday to go into Committee on the Irish Church Bill; there would therefore be no time, at this late period of the Session, to carry this measure forward if they were to lose the present opportunity. He hoped the opposition would not be persisted in.

The House divided on the original Motion; Ayes 56; Noes 14; Majority 42.

*List of the* Noes.

Bailey, J.
Burrell, Sir C.
Clerk, Sir G.
Estcourt, Thos. G. B.
Finch, G.
Lincoln, Lord
Mackinnon, W. A.
M'Taggart, John
Ross, Charles
Sheppard, T.
Somerset, Lord G.
Trevor, A.
Turner, W.
Vere, Sir C. B.

TELLERS.

Law, Hon. C.
Freshfield, James W.

The Order of the Day was read, and the Attorney-General moved that the Speaker do leave the Chair.

Mr. *Freshfield* opposed the Motion. He begged leave to offer a few words in explanation of his course of proceeding. He had given notice of his intention to move that the Report be taken into further consideration that day six months; but his hon. and learned Friend (Mr. Law), had made a Motion which precluded him from acting on his notice. He was therefore obliged to give the present Motion a negative. He felt, whatever might be his opinion, or those of any Gentleman in the House upon the subject, it was a question upon which the public had only begun to think, at least in the particular form in which it was presented to them in the present Bill, and therefore he had intended to propose the postponement of the Bill to afford the public an opportunity of considering the measure in the form in which the hon. and learned Attorney-General had thought right to introduce it, that it might be taken up at a future Session either in its present condition, or with those practical changes in it which experienced persons might suggest in Committee. He objected to the Speaker's leaving the Chair, and to any further proceedings being had on the Bill during the present Session, in order that the public might have full time to consider of it. He objected also strongly to the measure being regarded, in any shape, as one issuing from that side of the House, and resisted on this. For himself he would say, that if he could regard it with any political view, he believed he should be the last to oppose the Motion. But when he recollected, that although the measure was brought in by the learned Attorney-General, in conjunction with the hon. Member for Lambeth (Mr. Hawes), yet that the measure itself proceeded originally from the Report made by the Common Law Commissioners, Mr. Commissioner Lee, and Sir F. Pollock. It was impossible to receive the Bill as a party measure, or that any Gentleman could do justice to the subject, who should consider it in such light. He discharged himself of all party feeling, considering it as a great and important question that they were discussing, one which would work much good, or increase evil in the country; and that therefore they should consider seriously before they proceeded to effect so great a change.

The Bill of the hon. Attorney-General, he affirmed, should be carried or rejected, therefore, entirely upon its own merits, and not as coming from one side of the House or the other. And in desiring to view the subject before the House as one which ought to be considered on independent principles, he disclaimed any intention of casting any suspicion on the sincerity of those Gentlemen on the other side, who were anxious to pass the Bill. If there were cases of great hardship in the law as it then existed, he could assure hon. Members that no one could be more desirous than himself to remove those hardships. It was not a case of debtor or creditor, but it was a question as to whether more of good, or of evil, would be effected by the proposed change. For himself, he must confess he could not contemplate the possibility of conferring the benefits which it was supposed the Bill would confer upon the debtor, without dealing out great hardship to the creditor, upon whom the whole inconvenience of the change would fall. It could not be considered that the Bill was so obviously right, that it commended itself at once to the adoption of every Member the moment it was proposed, even though it had received the sanction of his Majesty's Attorney-General, because, it must be recollected, and it would materially relieve him, (Mr. Freshfield), from what he deemed a painful duty, that they had before them, not only the foundation of the measure, in the Report of the Common Law Commissioners, but also a supplementary paper containing a dissent from it by one of their number, so that whatever predilection he might naturally feel—and no one could feel it stronger—for the opinion of the hon. and learned Member for Huntingdon (Sir F. Pollock), whose name stood at the head of those who recommended the Report, he was bound also to say, that for that of his hon. and learned Friend, who signed the supplementary paper, he felt no less respect, as there never was an individual in any class of society who was less obstinate in his judgment on the subject, or more qualified to form a right judgment upon it from his knowledge, his experience, and his own profession. He was entitled to urge, that it was a question about which persons occupying important stations, and eminently qualified to form right opinions, had displayed great difference of judgment; and that, therefore, he was particularly warranted in entertaining the doubts which for himself, and those who acted with him, he so seriously felt. He could not feel justified in saying whether the Commissioners were equally strong in the opinions which they had expressed on the subject, but he did hope that if the debate were not finished on this occasion, that individuals who had appeared to have given themselves up to those opinions, would show by their speeches and their votes, that they held them not to the same extent as they once did. He did not want to prejudice any individual, and although for himself, he should rather defer to the supplementary paper of the dissenting Commissioner, he only wished it and the Report to be read, and for individuals to judge of them both for themselves. He knew that much reliance was placed, among other things, on the opinions contained in the Report, expressed by those who thought that arrest for debt was not necessary. But he knew there was a second class of witnesses who said, that in their judgment the power of arrest was essentially necessary for the security of creditors; and there was a third class who were willing to give up that power, only on condition of some measure being substituted of equal or better effect, for giving security to the creditor. The latter class said, that by reference to Returns from the Courts of Request, it would be seen that a greater number of bailable writs appeared; and, in the Commissioners' opinion, had produced these effects, viz., payment of the debt, although the other class said that the writs which were not bailable, but were served without arrest, had been more effectual in obtaining the payment of the debts. Now, those different classes of opinions were all capable of reconciliation, though all were sincere in giving their opinions, and all right according to the best of their judgment. As to the larger class of merchants, traders, and bankers, attaching little importance to the power of imprisonment, he (Mr. Freshfield) quite agreed that the number of instances in which they resorted to arrest was comparatively small, in proportion to the next class. But he did not admit that the inference was just, that even with that class, the power of arrest was of little or no use, because he believed that it was a great preventive power productive of great benefit by the knowledge of its existence on the part of the debtor, and that thus it became of necessity less frequently enforced. In this class, then, was the very benefit produced, for which alone the power of imprisonment was to be admitted at all, the power of arrest inducing the debtor to pay his debt, and therefore rendering the arrests less frequent, which benefit was by the present Bill to be taken away. As to the second class, the small traders, who deemed the present Bill pernicious, and the power of arrest necessary, in those cases, their credits being much more numerous, and smaller in amount, being at the same time less able to repair their losses than the larger class of merchants, &c., this class would feel those losses doubly, when they occurred. It was therefore important that the House should direct its anxious attention to the class of people best able to arrive at just conclusions upon the subject; to him it appeared, by the evidence, that if the power of arrest were taken from them a larger number of debtors would leave their debts unpaid, than was the case at present, and that the correct inference from the evidence must be, that to them, the power of arrest was essential. As to the third class who thought that the power of arrest might be safely given up and substituted measures introduced, better calculated to effect the object of enforcing the payment of debts, he should say but little, as the consideration of those substituted measures would come before them naturally when they were discussing the provisions of the Bill before the House. As it was, he entirely dissented from them. It appeared to him that a greater fallacy was never committed, than to suppose, that because a certain number of bailable writs were issued, and it was found in a great number of instances that bail was put in, that, because the debt was not paid between the time of arrest and the putting in bail, that therefore, the debts were lost and the writs consequently useless. As little would they be warranted in saying that because the bail was put in, that therefore the party was unable to pay his debt. It could not be inferred that at some subsequent stage of the proceeding the debt was not paid. It was stated that in many cases they had no further account of the proceeding. It was probable that persons would resort to arrest in the most desperate cases; and it would be as unjust to infer from hearing no more of the transaction that therefore the debts were paid in full, as it would be to infer from the same reason that the debts were lost. As to that class of writs which was not for arrest, which were called "serviceable writs". It was thought that when they had evidence of the writ issuing, and heard no more of the transaction, that therefore the debts were paid; and from this an inference was drawn that the proposed mode of proceeding would be more advantageous than the other. Against this inference, he made the same objection, that it must proceed from premises wholly erroneous. It was forgotten that in the case of writs they were, probably, for very small sums, and that in many instances, the payment of the debt would soon conclude the proceedings. In all those cases in which there was no doubt as to the debt itself, but as to the doubtful circumstances of the creditor, it was continually said, "that individual cannot pay voluntarily, and except by force of law;" and he (Mr. Freshfield) knew in many cases that actions were brought it might be said almost "*pro formâ*" at the expense of two or three pounds, and after the writ was issued, as a creditable and safe mode of enforcing payment. This, it would be found, would diminish considerably the value of the class of cases which the Commissioners supposed went to prove, that, because there was no account of the proceedings after the writ was issued, that therefore the debt was paid. In many instances there was no great difference between the two proceedings by arrest, and by "serviceable writs," and he denied that this circumstance could be urged as an argument for the passing of the Bill before the House. It was said to be of great importance that they should give up the power of arrest, because it was thought that the class of creditors who attached great importance to the power of enforcing their claims by that mode, although they were continually deceived, yet were led on from case to case, and an uncertain state of credit prevailed in consequence. Now he was exceedingly glad to see the Chancellor of the Exchequer in his place, because there was no individual in that House to whom he would more readily refer this question of credit, at least he should attach much greater importance to his opinion than to any expressed by the Commissioners. He could not conceive a question in which it was a more difficult or dangerous subject for the

Commissioners to enter upon, than this question of credit. He (Mr. Freshfield) was not going (he was quite ignorant upon the subject) to decide where legitimate credit commenced, and where excessive credit ended. But he denied that there was any real consistency in the argument. It was by means of credit that many men were kept from the parish; and if the present Bill were to deprive them of that resource, it would be a consequence which he for one should greatly lament. It was because a poor man could in those parts of the year, when he only got 7*s.* a-week, get credit for a few little necessaries of life, that he preserved his independence. He could not live upon the 7*s.*, but by means of credit he perhaps gets 3*s.* or 4*s.* a-week to be repaid by him when his salary was increased to 12*s.* And in many instances the lower order of tradesmen had as much of those small debts on their books as counterbalanced the credit which they received from the larger class of traders; and they could not put a greater hardship on the poor man, than by taking away credit, which would be the result, if they abolished the power of arrest for those small sums. Let it be remembered that he (Mr. Freshfield) was as anxious as any gentleman could be to restrain the capricious power of arrest: but he objected strongly to giving up that power altogether without any adequate reason. He saw no necessity for it, though it was contended that by withdrawing that power you would put an end to the improvident extent of credit, which was the consequence of individuals knowing that they had the power of arrest. But he believed, that as no man would give credit because he knew he had the power of arrest, so that an improvident and needy person would still have the power of borrowing, they would be more inclined to take credit when they knew there was no power of arrest, and that all that could be done was to seize the property of the debtor, to replace the loss the creditor had sustained. He could not conceive anything so unjust as to make so great a change, either as regarded debts already contracted, or hereafter to be contracted. He could not believe there could be any thing so unjust as to say to the creditor—" the debt which you allowed to be contracted upon the faith of your existing rights shall now continue due under totally different circumstances; and you shall be deprived of the security which now you are possessed of." It was supposed that all this was founded on the Report of the Commissioners of Common Law. Now he would just take the liberty of giving to the House certain extracts from the recommendation of that Report, and contrasting them with the provisions of the Bill. There was in the Report no recommendation that the power of arrest should be entirely taken away. The Report again and again stated that if there was any likelihood that the person of the debtor would be withdrawn, that then it would be absurd that the creditor should be deprived of the power of securing the property of the debtor by means of his person: and they recommended as a security (and the only security) against capricious arrests, that you should secure the oath of the creditor, that he believed arrest was necessary to his security. In 1797, when the Act passed, intended to prohibit arrest when payment was made in Bank notes, it was provided that no individual should be held to bail without the oath of the creditor, that they were not tendered to him. But it went no farther. And the Report said, that in cases where it did not depend on the simple oath of the creditor, that even then it should be limited to the discretion of the Judge, whether the debtor should be held to bail. But what did the Bill say? In one Clause it was enacted that there should be no power of arrest unless the creditor should swear that it was necessary for his security, as the debtor was about to depart. If the Bill stopped there, he (Mr. Freshfield) would have had but little objection. But then another Clause provided, that if any arrest should take place, the debtor might bring his action against the creditor; and that it should be incumbent on the part of the creditor to prove that he had grounds for believing that the individual was about to " depart the realm of England and Wales." Thus, for the first time (as he believed) in British Legislation, the *onus* of proving at the very outset of an action in a transaction necessarily secret, and in the breast of the debtor, the *onus* of proving that he had reasonable ground for the belief that the debtor was about to depart—was thrown upon the creditor, and if he failed in doing that, he was to lie at the mercy of the debtor. How was it possible to imagine that in a secret communication to the creditor, through links which it might be impossible for him to disclose—how was it possible for him to call legal witnesses to prove the transaction? Why it might have been derived through the wife of the debtor; and she, of course, would be inaccessible; her declaration would not be received on the part of the creditor; or it might be the wife of the creditor; she would be equally useless in a Court of Justice. And yet, notwithstanding this incapability of proving the transaction, according to the strict rules of legal evidence, the *onus* of proving the whole was thrown upon the creditor; and that was supposed to be carrying out the Report—severe enough in itself, but not so severe as to recommend the measures taken in the Bill which the Attorney-General had ventured to introduce. Now he called the attention of hon. Members to that, and he was sure they would not give their consent to the present Bill. He would now pass on to consider those substituted measures which were to be introduced into the Bill; and it appeared to him that it was difficult to see whether debtor or creditor would be most injured by them. When the action was commenced, and the writ was served, you had the right under this Bill to go before a Judge, and to ask that if security be not given within ten days, there should be a final judgment, unless the debtor show cause against it to the satisfaction of the Judge. The only thing required was the oath of the creditor; and when he had succeeded he might be driven to the necessity of filing the case on affidavit, having an inquiry of the most extensive nature to make. But suppose judgment was obtained, if within ten days the debtor pay not the amount, he was brought before the Commissioners, who proceeded to examine him, as in the case of a bankrupt, as to the existence, nature, and situation of his property, of which a memorandum was to be made by the Commissioner upon the back of his rule; and that memorandum was to act as a transfer of the property to the use of the creditor; and supposing there was a surplus over and above, the debtor then had no provision in the Bill for the arrangement of the sale, or for enforcing the due productiveness of the property. If the property was not sufficient, he must be brought up again, and the same process repeated; and in addition to those arbitrary proceedings, he was to be brought up in custody, as in the case of a bankrupt, if he did not attend to the summons. If there were two or more creditors, the first who applied to the Court was to have all the benefit of the process, and there was no possibility of a second creditor overtaking the first claimant, in order to his obtaining an equal distribution of the debtor's property for the common benefit of all the creditors. Now he (Mr. Freshfield) called the attention of the House to the Report, which particularly directed that no preferences should be made, and yet the Bill was calculated to secure the preference of the first creditor, and to prevent an equal and just distribution of the property of the debtor. If the measure proposed really corresponded with the recommendations of that Report, he should be more ready to concur with the Attorney-General; but he hoped the House would not enter into so hazardous a mode of legislation as this for the benefit of a particular class of individuals. If he had not addressed the House on this occasion, he should have considered that he had neglected his duty; and however much he might be disinclined to place himself in a situation which would gain for him so much odium as his opposition to the measure would naturally excite, he owed it to the country and to himself not to be deterred by any such consideration from performing what he considered his duty. He was precluded from moving that the Report be further considered this day six months; but he trusted the House would postpone the measure till next Session.

Mr. *Hawes* hoped, that the Bill would be allowed to go into Committee. The Bill was a very important one—he said so as a man of business—and he was surprised that any opposition to it should spring from a professional quarter. If hon. Members were desirous of having a better opportunity of discussing the measure, that would be afforded to them on the bringing up of the Report.

Mr. *Richards* asked for the indulgence of the House, while he stated his reasons for not allowing the Bill to pass into Committee: he felt great reluctance in doing so, because the Bill was a popular one; and he knew, that an individual who opposed it must make up his mind to incur great odium, both in the House, and out of it. On a former occasion, on the Select Committee, he (Mr. Richards) had the honour of moving, that witnesses should be examined upon the provisions of the Bill. That Motion was met by a statement from the hon. and learned Attorney-General, that evidence had been taken. Now, he (Mr. Richards) submitted, that the hon. and learned Gentleman was in error upon that point; evidence had been taken before the Common Law Commissioners, as to the operation of the present law, but none upon the details of the measure; and it was in the details of the proposed measure, that he wished that evidence should be examined. The Commissioners themselves, in their Report, said, that they wished to avoid going into any recommendations on any of the distinct provisions of any Bill which might be founded on their Report. They said, they would not go into any technical details of the measure: now, it was on those technical details, that the whole difficulty rested—he submitted to the Attorney-General whether it was not so? whether men might not be quite agreed as to the principle, but might differ exceedingly as to the details of the proposed substituted measures. No evidence having been examined upon the provisions of the Bill, nor as to the way in which it would work—it was not respectful (he would say so with all due deference to the hon. and learned Attorney-General)—it was hardly respectful to the House, to thrust the measure upon them in that way. What was the state of the law now? the law, in reference to this subject, was, that a person might arrest upon process, and hold the debtor to bail, and might then seize the body of the debtor if the debt were not discharged. It was proposed by the Bill, that the power of arrest by any process or execution, should be abolished. And then the question came, "what could be done to protect the creditor in the new state of the law?" As the law now stood, he was ready to allow there was much to be remedied. He recollected the instance of the Duc De Cadaval, related by the hon. and learned Attorney-General, on the occasion of his bringing in the Bill; and which wrought a great impression on all who heard it. He admitted, that that was an abuse of the very strongest nature; and if the Attorney-General had brought forward a measure to remedy such abuses, he, for one, would most readily have supported him; but, because instances of abuses arose in the present system of arrest for debt, was that any valid or good argument against the law itself? Look at the course of nature, which was founded on the most perfect wisdom: the elements in their combination, were often fatally injurious to individuals; but they knew well, that if it were not for storms and tempests, much mischief would often result; and who would say, that because shipwrecks occurred on the sea, and houses were blown down on the land, that, therefore, he could better conduct the economy of nature? So it was in a great measure with respect to the subject before the House; and more especially, with respect to the Duc de Cadaval. It became the hon. and learned Attorney-General not to make out as many instances as he could to prove that the law was bad; but to show, that the present measure would answer the purpose better—and that he considered the learned Gentleman had failed entirely to do. There were a thousand instances in which the law as it now stood, induced debtors to pay their debts, and this with great advantage to the community. The law operated silently, and imperceptibly, but was not the less real for not being observed, while an instance of abuse was striking; it excited the public attention, demanded explanation, and gave rise to a multitude of complaints. Under the present state of the law, when a man was in difficulties, what did he do? Why, he exerted himself, used all his power, urged by the fear of imprisonment, to extricate himself from his difficulties—those exertions were frequently crowned with success. Now, if the fear of arrest worked in the way he had stated; if the silent operation of that fear produced consequences so advantageous to the public and to individuals, then he said, that the House should pause before it took away that salutary stimulus to exertion. But it being proposed to substitute for the present law the Bill before the House, he should have expected, that such an important measure would have come before them in a well-digested form; but on the contrary, he could not pass over the threshold of the Bill without finding words of the greatest negligence and carelessness. In the very preamble of the Bill, for instance, it was stated,—"a Bill for facilitating the Recovery of Debts,"—(it ought to be judgments;) "the Relief of Debtors willing to make cession of their property for the payment of their debts, the prevention of frauds" (it ought to be the punishment of frauds) "by debtors; and for abolishing imprisonment for debt, except in cases of fraud." The exception was altogether erroneous; for the imprisonment on conviction was not imprisonment for debt, but for misdemeanor. But he proceeded to consider the Bill itself. The 1st Clause of the Bill said, that if the plaintiff, in any action for any debt, shall, after suit commenced in any Court, shew, by affidavit, that the sum sought to be recovered in such action is due to him from the defendant, and on what account, and that demand before action brought was made upon the defendant for the payment of the sum so due, such plaintiff shall, after service of process on the defendant, be entitled to a rule of Court in which such suit is commenced, or order of a Judge of such Court, giving the defendant notice, that final judgment will be signed against him for the sums sworn to be due, unless such defendant shall, within ten days after the service of the rule or order, give security, to be approved by an officer of such Court, for the payment of the debt and costs, in case final judgment shall be given against him, or unless the defendant shall, within the said time, shew sufficient cause to the said Court or Judge of such Court, on oath, why final judgment should not be signed against him, and that such judgment shall be so signed, unless the said defendant shall either give such security or shew sufficient cause, and give such security as shall be approved of by the officer of the Court." Now, the question of "security" involved the whole of the case—there was to be the affidavit of the creditor too. Now, there was nobody, who had been in the Court of Chancery that did not loath the very name of an affidavit—the hon. and learned Attorney-General might jest at it if he pleased, but it was no jest to his clients. Well, the debtor must come before the Court. Now, as he could only come before the Court in term time, it followed that it must often be carried on before the Judge in chambers. So it would often be done in secret, before one Judge, on affidavit, and in chambers, where the public were excluded. And that was to be substituted for the Trial by Jury, handed down to them by their ancestors; and such sticklers for liberty as the hon. Member for Bridport, (Mr. Warburton) were not ashamed to stand up with the Attorney-General, and endeavour to bring in a Bill which abolished the Trial by Jury! Counsel would be heard, and as much expense would be incurred in this preliminary business as in the whole of the action. It would form a monstrous excrescence upon the action itself, and it was brought forward by the Attorney-General as a boon to his Majesty's subjects. He begged also to ask the Attorney-General, or any Gentleman acquainted with the subject, how, the Judge could get through this enormous additional mass of business, which was, of necessity to be cast on them by the Bill. Was there any thing so monstrous, as to propose to do way with imprisonment for debt, and substitute for it a provision, which, when it came to be considered, *in limine*, could not work at all? It was unjust, that the debtor should be compelled to find security for the debt and the costs, before the cause was tried. It would be impossible for the debtor to convince his friends that he would win the cause before it was tried, even though he were convinced of its justice, in his own mind; and if he could not do that, how could he be expected to get his friends to give security for the debt and the costs of the action before it began? The Bill proceeded on the assumption, that Commissioners would be able to obtain from the debtor a full discovery, on examination, of all his property. Now that discovery, even in the Bankrupt Court, or the Court of Chancery, was often very delusive and difficult to be ascertained. And there was not a single clause in the Bill, which enabled the Commissioners to give the creditor any expenses. And how was it to be supposed, that a creditor could go to a great expense at his own risk, for compelling a full discovery? That was a defect in the Bill. Again look at the mode of examination, supposing the creditor were so chivalrous as to go to the expense of 20*l.*, 30*l.* or 40*l.* for enforcing discovery, what provision was then made for obtaining such a discovery? It was a perfect illusion—the Clause shewed either great want of thought, or incredible ignorance of human nature—was it to be supposed, that a man deeply interested in the security of some valuable property, would reveal it on a simple *viva voce* examination—by mere interrogation? It was the most absurd proposition ever heard of. It was impossible that the

Commissioner, with all his powers of examination, could ever discover the property—and the creditor would go defrauded of his just debt by a Bill, that was expected to be passed by acclamation. The Bill, as it appeared to him, would offer a premium to fraud; it would injure industry; it would render men improvident and careless for the future, when, by a sort of legerdemain, assisted by the Bill of the Attorney-General, they could get rid of their just claims. The effect of the Bill would be also to make it necessary that a much larger profit should be required, in order to cover the risk incurred by abolishing imprisonment for debt. In every state of Europe, except Portugal, a process of arrest was allowed; and out of twenty-four foreign jurists, eighteen were decidedly for retaining it. He would say, with great respect to the hon. the Attorney-General, "shall fools rush in where angels fear to tread?" He meant no offence; but, on subjects of commercial credit, the hon. and learned Member was not so well informed as he (Mr. Richards) would wish; and though actuated by the best of motives, as the Knight of La Mancha was, yet, like him, he would be unable to accomplish his good and Quixotic designs, and without producing any really good effects, would impose upon a great class of persons a serious and an incalculable evil. The hon. Member, after stating, that out of sixty-six petitions he had presented, fifty-three were against the Bill, expressed his intention to vote against going into Committee on it.

The *Attorney-General* did not think it at all necessary to go into any arguments relative to the principle of the Bill, and the more especially as he entertained not the slightest hope that any thing he could urge would have the effect of convincing either the hon. Member for Penryn or the hon. Member for Knaresborough, that this was not a bad Bill. Nothing that he had heard advanced against the measure had in the least altered his opinion respecting the utility of it, and, therefore, he would suggest that the better course to pursue would be to allow the Bill to go into Committee now, upon the understanding that those who objected either to the whole or any part of it, should be afforded an opportunity of bringing forward their objections on the bringing up of the report, or when the Bill came to a third reading.

Sir *William Follett* had, in common with many other hon. Gentlemen, understood that this Bill was not to come on that night, and this understanding was, he believed, the reason the House was so thinly attended. He knew that many hon. Gentlemen not belonging to the profession of which he had the honour to be a member, but connected with trade and commerce, were anxious to speak upon the subject, and he thought that it would be only fair to afford them an opportunity of expressing the opinions which they entertained with regard to this measure. The House should recollect that this was a Bill of very great importance, and that it not only went to abolish imprisonment for debt, but would materially alter the whole of the law in reference to debtor and creditor. The whole trading and commercial interests of this country would be more affected by this measure than by any that had come before Parliament for many years past, and, therefore he must submit that it was anything but just to proceed with it in so thin a House, and when it was impossible that either the principle or the details which it involved could be discussed in a manner commensurate with the grave importance of the subject. It was not his intention to offer any observations on the principle of the Bill, but as it might be susceptible of great improvement in the Committee, even though the principle it went to establish might be agreed to, he would suggest whether, if his hon. Friend the Member for Penryn were to withdraw his amendment, his hon. and learned Friend the Attorney-General ought not to postpone the motion for going into Committee to some future day, either during the morning or evening sittings? His hon. and learned Friend should bear in mind that a great number of petitions had been presented to the House from all quarters against this Bill.

The *Chancellor of the Exchequer* said he did hope his hon. and learned Friend would not accede to the proposition for postponement. Last evening it was expressly stated that the Bill would be brought forward this night; and to meet the convenience of the House, and to prevent mistake, it was put the very first of the Orders of the Day. If the Bill was postponed, what chance was there that it could pass this Session? He did not think that, however long they postponed it, a subject like this was ever likely to be discussed in a much fuller House than the present. The Bill had been fully discussed before. Let them, then, proceed to the Committee to make the Bill as perfect as possible. Hereafter there would be opportunities of attending to any suggestions that honourable Members might make.

The House went into Committee.

On Clause 3 being proposed,

Mr. *Richards* objected that it would give the Commission vast political influence, and thought the House should view with considerable jealousy such an increase of power vested in the Crown.

Mr. Warburton said a few words, which we could not catch; but he appeared to favour the Bill.

Mr. *Freshfield* objected to the Clause, as granting too much power to the Commissioners.

Sir *John Campbell* defended the Clause, as one that dealt equal justice to the humble and exalted. By the present Clause every person against whom judgment was signed must resign his property, and that course would serve the creditor in the end, by making him more cautious in giving credit, while it relieved the debtor from the horrid consequences of being deprived of his bread by being kept in custody. If the debtor now practised a fraud he would be treated as a criminal.

Clause agreed to.

On the 4th Clause, Mr. Scarlett and Mr. Freshfield, on the ground that Commissioners or Trustees should not have the power of apportioning the amount of money to be paid to the creditors; said that such power would be abused, and lead eventually to the ruin of the debtor's fortune.

Sir *William Follett* thought the Clause would not lead to the benefits anticipated from it. There were many tradesmen who could not pay their bills when demanded. The present Bill gave them no time; for a party of creditors might assemble, and in ten days seize his property, his lands, goods, and every thing. If the Bill passed, no mercantile man would put his hand to a Bill, from the fear of being despoiled of his property at the caprice of his creditors, by having judgment marked against him in ten days. Many men might be solvent, and yet not be able to pay their bills when immediately called for. The Bill would ruin trade, by allowing no time to the debtor. It placed the debtor in a worse position than he was in at present.

The *Attorney-General* said, the Clause had the full approbation of the most eminent commercial men; and their opinion was certainly of more avail than those of a mere professional man. When those opinions would be laid, as they would be, before the hon. Gentleman, he (the Attorney-General) was sure he would change his opinion. The object of the Bill was to procure a speedy recovery of debts, which could not be effected by the present Bill, and this was a great desideratum.

Mr. *Hughes Hughes* said, the Bill was of so important a character that it should not be discussed in so thin a House. He would, therefore, move that the Chairman report progress.

The Committee divided on the Clause: Ayes 40; Noes 6:—Majority 34.

The remaining Clauses of the Bill were agreed to.

The House resumed.

## HOUSE OF LORDS,

### *Monday, July* 27, 1835.

MINUTES.] Bills. Read a third time:—Seamen Enlistment Bill; Sinecure Church Preferment.

Petitions presented. By the Earl of Aberdeen, from Kinnell, for Additional Accommodation in, and Protection to the Scotch Church.—By the Earl of MORLEY and Lord PRUDHOE, from Plymouth and Tynemouth,—against any Alteration in the Timber Duties.—By the Bishop of ROCHESTER, from that Town, for Protection to the Protestant Church.—By the Earl of GLENGALL, from Ross and Caher, against Drunkenness.—By Viscount MELBOURNE and Lord HATHERTON, from a Number of Places, in favour of, and by the Duke of BEAUFORT, Earls FALMOUTH, TANKERVILLE, and HAREWOOD, Lords PRUDHOE, WHARNCLIFFE, and RAVENSWORTH, from a Number of Places, against the Municipal Corporations' Bill.

CORPORATION REFORM.] The Duke of *Newcastle* said, that with reference to the Bill which was to be brought under their Lordships' consideration to-morrow, he wished to call their attention to a matter which, in his opinion, well deserved their Lordships' and the noble Viscount's consideration. He entertained very strong doubt whether, if they were to proceed with this Bill, they should not be guilty of committing a gross violation of the King's prerogative. In his mind that was a most important consideration. It was conceded that the Commission was illegal; and if so, it would not be right to proceed to legislate upon evidence obtained under it. Now, if their Lordships desired to proceed in a legal way, he should propose to them a plan which he thought would have the effect of enabling them to do so. His proposition was, that they should agree to an Address to the King, praying his Majesty that he would be most graciously pleased to authorize his Attorney-General to introduce a Bill into the other House of Parliament, to constitute a regular Commission to inquire into Corporation abuses.

Lord *Brougham* was certainly most surprised to hear it taken for granted—to hear it treated as a matter of course—that the Commission to inquire into the state of Municipal Corporations was illegal. The noble Duke had made a proposition upon the supposition that the Commission was illegal, now he (Lord Brougham) was prepared to show that it was strictly legal; that, in framing it he had the best and most approved precedents of a century and upwards as his guide; and though it was hardly proper to enter into these matters in a discussion across the Table, yet he coveted the opportunity of satisfying the noble Duke that the Commission was not only not illegal, but that it was free from all taint of illegality, and that on that subject it was not possible to entertain a doubt. Whether the power of the Commissioners extended to compel persons to give up papers, and to submit to examination, was a matter standing on a different footing, but the Commission was drawn up according to the best precedents, and the giving up papers and submitting to examination was *vexata questio*, and it was expedient, therefore, for such a purpose to have the authority and Act of Parliament rather than of the Crown. He was by no means disposed to say, that the Crown had the power to compel persons against their will to answer, or that persons who refused to answer would be committing an illegality; but he knew well enough that other Commissions had been issued of the same sort, and though persons were not compelled to answer, yet they did answer. It was the confounding of these two things together which had given rise to so many errors on the subject, as if because power were given to inquire, that it was, therefore, imperative to compel persons to submit to be examined. The first was strictly according to precedent, and the second rested on the same footing with former precedents, and was the same as the Commission which had been issued in 1830, and issued under the authority of his noble and learned Friend, then holding the Great Seal, under the authority of the noble Duke then at the head of the Government, of the right hon. Baronet, who was, at that time, his colleague, and signed, as Attorney-General, by the noble and learned Lord, now the Chief Baron of the Exchequer—he meant the Commission for inquiring into the state of the Irish Church. In that Commission he had read the grant of the very same powers as those contained in the Municipal Corporation Commission—there was not the least difference between the two, and there was one inquiry there, certainly, just as delicate—(he stated this that his noble and learned Friend, and any noble Lord who doubted the legality of the first Commission, might look into the precedent which he gave them fair notice he should quote against them if the question of the legality of the last Commission should be agitated)—there was one inquiry, certainly, just as delicate, namely, first into the revenues of the Irish Church, and next—and this was the delicate inquiry—whether the existing Act of Parliament had been complied with which required Rectors, and Vicars, and Perpetual Curates to allow a sum certain to their Curates for the performance of their duty. That was an inquiry which, he had little doubt, they were not compelled to answer—they might say, "I will not tell you whether I have or not complied with the Act of Parliament, for if I have not I might subject myself to an indictment for not doing so." But noble Lords could not possibly doubt that, whether answered or not, this was an inquiry as delicate as any intrusted to the Municipal Corporation Commissioners by the Commission to which he had the honour to affix the Great Seal. He was ready, therefore, to defend the granting of this Commission. But even if it were found to be illegal, and they were to legislate on it, the noble Duke said, that they would be acting illegally, of which he was by no means sure, for they might use illegal means to get at knowledge, but having got at it, they might legislate on that knowledge without their doing so being illegal too. But even if the Commission were illegal, and if it should be thought irregular for them to act on the knowledge obtained under it, he was quite clear that the remedy which his Grace had suggested was the last in the world that their Lordships would think of listening to. It was this, that this House was to be called on by way of curing the irregularity—by way of retracing the irregular step that had been taken, by way of putting themselves right in fact and in form, and by way of adhering to the strict letter of the law —this House was called upon, by whom, and to do what? Why, by him who complained of irregularity, to pray the King to desire his Attorney-General to bring a Bill into the other House of Parliament to do what is required. No legislative man ever before heard of such a proposition. What, call on an independent Member of the other House, the Representative of the city of Edinburgh, to bring into that other House such a Bill as their Lordships' House might think fit to require? It was worse than it was in Scotland with the Lords of the Articles; it had something of the character of the feudal Parliaments of Scotland; and it was this which their Lordships were gravely recommended to import here, and to say what should, and of course what should not, be brought before the other House of Parliament. Whatever might be the irregularities of the Commission, certainly no man ever before heard of such a remedy for them.

The Duke of *Newcastle* said, that if their Lordships did not deem his proposition a good one, of course they would not adopt it. He should state why the Commission was illegal. The King, as such, was the visitor of Corporations, and as such he might have a right to inquire into certain matters concerning them; but it was impossible for him to do anything that would lead to an alteration of their Charters, without the consent of the two Houses of Parliament.

Conversation dropped.

Jesuits' Monastery.] The Duke of *Newcastle* wished to ask of the noble Viscount opposite a question of great importance, as it had reference to a subject which had created a strong feeling throughout the country. Some days ago he observed an article in a newspaper, in which it was stated that 236 acres of land had been sold to the rev. Mr. Hunt, a Roman Catholic clergyman at Loughborough, for the purpose of founding a Roman Catholic monastery for individuals of the order of Jesuits. It was added, that Mr. C. Gisborne, to whom the land belonged, meant to end his days in the new monastery. He wished to know whether the noble Viscount could give him any information on the subject. It was important that no colleges of this description should be founded. He considered that the principles taught in them contained the ground work of every thing that was injurious to the established religion of this country. He understood that, on a former night, the noble Viscount had stated that he was opposed to the formation of new Universities in this country, and he was very glad to hear it, because in that case he would set his face against establishments of this kind. He had observed also a report in the public papers of dangerous riots promoted by Papists in Liverpool, and various parts of the country, on the 12th of July. It would appear that the Papists had assumed a tone most insulting to their Protestant brethren, and he wished to know whether anything had been done to check those disturbances.

Viscount *Melbourne* had no further acquaintance than the noble Duke with the matter first referred to. He had no power whatever to prevent or prohibit any person from selling his land in the manner stated. The noble Duke mistook him in supposing that he had said he objected to there being any Colleges but those of the two Universities in England. What he did say was, that he thought it was desirable that all his Majesty's subjects, of whatever denomination, should have the opportunity of being educated, if they pleased, at the two Universities. With respect to the rest, he had no information on the matter; but if anything had been done that was illegal, the law should be put in force.

Subject dropped.

# HOUSE OF COMMONS,

## *Monday, July 27, 1835.*

Minutes.] Petitions presented. By Mr. Graham Spiers, from Paisley, against any Grant for Building Churches in Scotland; and by Sir Michael Shaw Stewart, from Paisley and other Places, in favour of such Grant.—By Lord Cole, and Messrs. Sergeant Jackson, H. Maxwell, and F. Shaw, from a Number of Places, against the Church of Ireland Bill.—By Mr. Sergeant Perrin, from the Law Society of Ireland, against the Civil Courts' (Ireland) Bill.—By Mr. Sinclair, from the Postmasters and Others, on the Road between Dumfries and Edinburgh, for Abolishing the present System, of Farming the Post-Horse Duty.—By Mr. W. Duncombe, from Richmond (Yorkshire), against the Ecclesiastical Courts' Bill. By Mr. Law Hodges, from Lewisham, for the Repeal of the Malt Tax; from Hawkhurst and Cranbrook, for Poor-Laws to Ireland; from the Agriculturists of Tonbridge, Dartford, and Gravesend, for Relief.—By Mr. Lefroy, from Kilgariffe, in Defence of the Character of the Reverend Mr. Charles Townshend.—By Mr. BALFOUR, from the Cotton Spinners of Renfrew, for Amending the Factories' Regulation Act.

COLONIAL TIMBER DUTIES.] Mr. *Emerson Tennent* presented a Petition from the Chamber of Commerce of Belfast, against the equalization of the discriminating duty on Canadian and Baltic timber. The petition, after stating that the present import of North American timber into the United Kingdom was equal to 1,000,000 loads per annum, proceeded to show that the trade carried on by British shipping alone, fitted out by British capital, and giving employment to British Seamen, created a market for British produce to the amount of upwards of two millions sterling per annum; whilst on the other hand, the European timber brought into this country was carried exclusively in foreign bottoms, manned by foreign seamen, and took away none of our manufactures to any extent in return. The petitioners expressed their dread of the effect which any reduction of the duty on Baltic timber might produce on the current of emigration, as well as on the interests of British shipping generally, and they concluded by praying, that if the Legislature in its wisdom saw fit to introduce any alteration in the existing duties, no reduction should be made in those on Baltic timber, without a concurrent diminution on the produce of Canada, so as still to preserve the existing proportion between them, conceiving that a change on any other principle must be injurious to their trade, destructive of their shipping, and highly prejudicial to the progress of emigration. To these general observations of the petitioners, he was not disposed to add any lengthened observations of his own. Whether or not the petitioners had accurately stated the amount of our imports and exports from Canada, he was not immediately prepared to say; but if the former did not amount to 1,000,000 loads of timber per annum, he (Mr. Emerson Tennent) was aware that they were at least considerably above 600,000, an amount which of itself engrossed upwards of 400,000 tons of British shipping, and gave employment to 22,000 seamen, nearly equal to the numbers employed in the Royal Navy of England. The importance of this branch of our commerce could not, in fact, be rated too highly; in Liverpool alone it occupied between 300 and 400 vessels of 130,000 tons burden. It gave an annual outlet for between 2,000,000*l.* and 3,000,000*l.* of our manufactures at least, and a vent for emigration, which year by year drained off upwards of 55,000 of our redundant population. Compared to the importance of this trade with Canada, what was the value of all our intercourse with all the countries bordering on the Baltic? Even previous to the year 1809, until which period England was almost exclusively supplied with timber from that quarter, our imports in one year amounted to one half the quantity which we now draw annually from Canada, and, as to our exports in return, the whole Baltic never took from us more than 500,000*l.* worth in any one year, and four-fifths of this was in cotton twists. On what principle then were we to sacrifice our present invaluable trade with our colonies for the sake of aggrandizing our Northern neighbours? As regarded our shipping interest at home, any alteration which would have the effect of bringing European produce into direct competition with that of Canada would be fatal to our shipping, the greater part of which would be thrown entirely out of employment. The same would be the case with the 20,000 seamen who now manned that shipping. This, therefore, was a most serious question. But there was another consideration which suggested itself on this question, the result of which he was not very clearly satisfied about. The whole theory on which they were called upon to make this change, resolved itself into this:—that the people should be supplied with such commodities as they wanted from any country which could supply them on the cheapest terms. Now, before they hastened to destroy one market, with which the country was at present pretty well satisfied, they had a right to be shown that the one which was offered in lieu of it would really be found to be the cheapest as well as the best. The object of the free trade advocates at present was, he (Mr. Emerson Tennent) believed, to reduce the duty on the timber of both countries to the same level; but if the superior timber of the Baltic could be introduced at the same cost as the inferior produce of Canada, the Canadian trade would soon cease altogether. If a remnant of it survived at all, it would be the import of the red pine, which might in some degree vie in quality with the Memel; but the ordinary American timber would cease to be introduced. Now, it was well known that there were purposes for which this inferior timber answered as well, if not better, than material of a better description; but when it was no longer to be procured, we should of course be compelled to make use of the other, at probably double the price. This might not perhaps be so important a consideration in England, where capital was more abundant, and where, besides, the poorer classes had a comparative resource in the growth of low-priced native wood; but in Ireland, where we had no such substitute, the case was widely different, and the effects of a stoppage in the import of cheap colonial deals, would be felt with corresponding force, since in that country the alteration proposed would thus have the inevitable effect of increasing, instead of diminishing, the price of timber most generally consumed. It was not, therefore, without cause, that he was induced to doubt the result of this experiment, at least in his own country. The petitioners had very properly alluded to another topic in which that country was more peculiarly interested, namely the effects of the alteration which was threatened upon emigration to Canada. This was, to every quarter of the empire, a matter of the most vital moment. Our emigrants from British ports to the British Colonies in America, were close upon 60,000 per annum: from the very town whence this petition was forwarded alone, there were last year between 8,000 and 9,000 passengers for the Canadas and New Brunswick. The rate at which these passengers was carried, was from 3*l.* to 4*l.* each, and he had understood that this season and the last, passengers from Londonderry to the nearest American settlement had been taken out for so trifling a sum as thirty shillings each; and how was it that the owners of shipping were enabled to carry them out upon such terms?—solely in consequence of that very trade which it was now threatened to destroy. The vessels which were despatched for colonial timber, rather than sail in ballast, would carry their cargo of emigrants for almost any terms that would cover the bare cost of transport; and the competition was so great, that the fares were reduced to the trifle which he had mentioned. It was thus we were enabled to drain off that vast superabundant and impoverished population with which Ireland was overrun, and to transport to Canada that enormous amount of labour which would otherwise find its way into this country, and inundate England with pauperism. All this would be inevitably destroyed by the contemplated change in the timber trade—since vessels for the sole purpose of carring emigrants, without the ulterior object of bringing home produce, could only take them out on such terms as the impoverished settlers could never afford to pay. But other causes under the same system would produce the same results of checking emigration. Canada herself would no longer afford the attraction; she could no longer hold out occupation and support for the unemployed labourer which now finds a settlement on her shores. Such a measure would involve Canada herself in difficulties and poverty from which generations must pass ere she would be fully extricated. Besides the floating capital of the Canadian houses which is now embarked in the timber trade, and which could only be withdrawn at a positive loss, in order to be invested in such other pursuits as the present limited resources of the colony would afford, what was to become of the vested fixed capital which was then embarked in that trade, and expended in saw-mills and machinery of every description? Not less than 1,000,000*l.* was at present stated to be so employed; and all this—no insignificant sum in a distant colony—must at one blow be sacrificed, were a change in the trade to be effected. What in such an event was to become of the hosts of British emigrants who now find abundant employment as lumberers in cutting and draining and floating the timber down for exportation? He might be told that they could still betake themselves to agricultural labour; but even for this there could be but slow demand, when the destruction of the timber trade had ceased, as it would cease, to give an impulse to the clearing of the lands. We all knew at present the state of feeling towards this country which pervaded Canada. Even in the midst of our protection of her commerce, she took but little pains to conceal her dissatisfaction at not receiving still further favours. Was it, then, wise still further to provoke such a spirit, by threatening the destruction of the only profitable branch of commerce on which she rested her dependance? Was it wise to drive her to seek a still closer attachment than she already manifested towards the United States? It was a portion of our policy as a nation to afford support and protection to our colonies and our dependencies—we had strained every nerve to maintain and to perpetuate that protection to our colonies in the West Indies by protecting their sugars from foreign competition in our own markets. All that we asked for Canada was, an extension of the same fostering protection; a policy which was the more incumbent on us, since we could not inflict the injury now contemplated on Canada, without giving a blow to our own shipping and marine, which no length of time might be sufficient to remedy. He had to apologize to the House for the length to which these observations had run. But the subject he felt was one of the most vital moment to the nation at large, and his sense of its importance to his own constituents peculiarly, had impelled him to use every exertion to discharge the duty which they had intrusted to him of conveying the impression of their sentiments to the House.

Petition to lie on the Table.

ECCLESIASTICAL COURTS.] Mr. *William Duncombe* presented a petition from Richmond (Yorkshire) against the Ecclesiastical Courts Bill. He would take the opportunity of urging the Attorney-General to postpone the measure until next Session.

The *Attorney-General* begged it to be recollected that this measure was introduced by the late Attorney-General, and he therefore trusted that it would be supported by both sides of the House. He could not say he was not disposed to press it. On the contrary, he should endeavour to advance it through its different stages, and not relinquish the attempt to make it law without serious opposition. At present, he was sanguine enough to think that no such opposition would be offered.

Colonel *Sibthorpe* remarked that 166 petitions, with 10,257 signatures, had already been laid upon the table against the Bill, most of the names being those of professional men, upon whom it would be an evident and serious hardship. For his own part, he was resolved to give it the most determined opposition, and it was his firm belief that it would be considered by both sides of the House without any intermixture of party feeling. If the measure were pressed in the present session, he should persevere in the motion of which he gave notice early in the session, for a Committee to inquire into the necessity for the proposed change.

Mr. *Cutler Fergusson* trusted that his right hon. Friend, the Attorney General, would give no pledge not to proceed with the Bill in the present session. If hon. Members had attended to the Report of the Ecclesiastical Commissioners (of whom he was one), they would have seen that this Bill grew out of it, and was intended to reform very gross abuses found to prevail in the Ecclesiastical Courts. The principle of the Bill was adopted by the late Attorney-General, and it was approved of by every person who spoke on the debate whose opinion was of any value.

Mr. *Wilks* agreed that this ought not to be treated as a party question, and he hoped that on all sides it would meet with candour, impartiality, and discrimination. At the same time, he thought that the Attorney-General ought not to press the Bill in the present Session, but allow it to be printed and circulated throughout the country. [Mr. *C. Fergusson* : It has been printed.] At all events the country ought to have an opportunity of deliberately considering it. He wished that some Bill had been introduced to correct more important abuses pointed out in the Report of the Commissioners, for that which related to the measure under view, was one of their least valuable recommendations. Other abuses were allowed to remain which were a constant source of vexatious litigation.

Mr. *Pease* observed, that the Bill had certainly excited a good deal of alarm in the part of the country with which he was connected. He could not think whence the opinion had arisen that nothing could be well done that was not done in London; neither could he see the reason for depriving country practitioners of what had hitherto been a source of considerable emolument. If this measure were adopted, everything must be done by means of solicitors and agents in London.

Mr. *Lowther* had presented petitions embodying the sentiments of those who had spoken against the proposed change. He did not mean to object to any proper reforms in the Ecclesiastical Courts, but he hoped that the Bill would be withdrawn until next year, in order to give people time to consider its provisions.

Mr. *Scarlett* did not perceive that there was any such crying grievance in the present system as to render an immediate alteration necessary. It was proposed to abolish the country jurisdictions, and to remove them to London; and for that part of the Bill he saw no sufficient reason. Having examined the Report of the Commissioners, he might say, that he was not of opinion that they had stated any practical grounds for such a measure.

Petition to lie upon the table.

DISTRESS IN THE COUNTY OF MAYO.] Viscount *Morpeth* having moved the Order of the Day for the House to go into Committee on the Tithes and Church of Ireland Bill,

Mr. *Sharman Crawford* rose, pursuant to the notice he had given, to call the attention of the House to the great distress which existed at the present moment, and which had continued for some time, in the county of Mayo. He had, so far back as the 6th of this month, mentioned the subject in a notice of Motion which he then gave for the 8th, for copies of certain communications made to the Government as to the great distress which existed amongst the peasantry in some districts of the county of Mayo; but since then, he had not had an opportunity of bringing the subject forward, owing to the state of other business in the House. Since his first notice of it, the distress had not abated; on the contrary, the communications which he had since received on the subject showed that it had increased in a frightful degree. He therefore felt it his duty not to delay any longer, but to take the first opportunity which presented itself of again urging the case on the House. He regretted that the task had not been undertaken by some individual locally connected with that county; for he had no connexion with it, but knowing as he did the extent of the distress, he felt it as a duty of common humanity to bring the matter under the notice of the House. In the former statements which he had made on this subject, he had relied on the communications made by the Catholic clergy, who had ample opportunities of witnessing the distress which they described. He would on the present occasion refer to other authorities; and first, to the reports of the Distress Committee, of which the Earl of Caledon was at the head. The Committee stated the distress to have existed to an immense extent since the early part of April. One of the communications which he had received was from Mr. Meredith, a chief constable of police, who said it would be a great charity to bring on the case of the starving peasantry of this district. The distress which existed amongst them was intense, and if they were not immediately relieved, many of them must perish. It was useless to talk of their purchasing food sold out at a cheap rate. They had not a penny to purchase potatoes, if they could be sold as low as 6*d*. per cwt., and one-third of the whole population of the district was in this dreadfully distressed condition. This statement was corroborated by the evidence of Mr. Ireland, the chief magistrate. He had further the Report of the Central Committee of Relief sitting at Castlebar, dated the 20th of July, which showed that their funds were all exhausted on that day. The Committee had come to a resolution to the effect, that they could not adjourn without expressing the deep and poignant sorrow they felt at not being able to extend relief commensurate with the extent of the prevailing distress; and further, they feel themselves called upon to express their conviction, that unless the Government interfered and came forward in aid of the starving population, recourse would be had by them to the premature use of the growing crops, from which would arise all the evils of epidemic disease. He could further state, that the utmost wages those even in employment could earn was 8*d*. per day, that twelve families out of twenty were without the means of purchasing a single pennyworth of bread. In further proof, if such were needed, he had also the letter of Mr. Yorke, the Secretary of the Lord-Lieutenant of Ireland, in which he stated that the Government was disposed to do all that was required at their hands, so far as it could be done by the Board of Public Works, but that it was impossible at present to provide to a sufficient extent to relieve the distress of so large a body. Surely, then, it was the duty of his Majesty's Ministers to interfere, and to afford relief to the starving population of Ireland. And in what manner was this to be effected? He should, with the leave of the House, refer to the proceedings which it had taken on former occasions under similar circumstances. In the year 1822, when the right hon. Baronet, the Member for Tamworth, came down to Parliament for assistance, and the Legislature placed at the disposal of the Crown 250,000*l.*, to be disposed of in affording relief to the distressed, and in giving labour to the unemployed, the right hon. Baronet, in submitting that application to the House, said it was not a mere pecuniary question, and supported the proposition in terms which did him honour both as a senator and a man. Again, when in the year 1826 great distress prevailed amongst the manufacturing population of England, the Government, though they did not come to Parliament for assistance as in 1822, yet did all in its power to promote subscriptions, and in that manner 290,000*l.* was raised, of which 250,000*l.* was advanced by the Government. In 1831 there again prevailed distress, and though no application was made to Parliament, yet under the patronage of the Government no less than 50,000*l.* was raised as a relief fund by private subscription. It was proper that he should here remark, that the present distress in the county of Mayo was of that character and nature as to be calculated to lay the foundation of increased distress in the ensuing year, and if means were not speedily adopted to relieve the existing distress, as the people, having no means of providing for the failure of their own crops of potatoes by purchasing elsewhere, would be obliged to have recourse to the growing crops, as he had already stated, the result would inevitably be the increase of the distress year after year. He had adverted to the means of relief which in former times had been resorted to; but why should this be? Why should not the landlords of Ireland be made by the Legislature to contribute to the relief of the distressed occupants of their soil? It had been, he would say, the fault of Parliament to allow Session after Session to pass without attempting to enforce from the rapacious landlords of Ireland a contribution to the means of relieving the aged, the feeble, and the distressed. It might be said that the people of Ireland were an improvident race. In reply he begged to state, that the distress now prevailing in the county of Mayo was not the result of improvidence; on the contrary, its immediate cause was the entire and total failure of the potato crops in that district. Though that was the immediate cause, the distress had several causes, some of which, from operating at all times, might be said to be more influential than the failure of one crop. The first of these was the enormous rents which were demanded and promised in Ireland. That excess might be imagined, when he stated, that in many parts of Ireland the rents reserved exceeded the whole amount of the produce of the land. Next came the evils of an absentee landed proprietary. Again, another cause of distress was to be found in the expulsion of the small tenantry from the lands heretofore in their occupation. There were many grounds for this system of expulsion. He would take for one of those grounds the repeal of the franchise formerly possessed by the 40*s.* freeholders in Ireland; the effect of which had been that the landed proprietary, in order to secure their political influence, had expelled the smaller tenants, in order to be enabled to consolidate the farms to an amount equal in value to the sum at which the elective franchise was now fixed in Ireland. Expulsion had even been practised in the cases of the tenants of these enlarged and increased farms, merely as a punishment upon the holder for having voted and acted according to the dictates of his own conscience. An instance of another cause of expulsion was afforded to him by a transaction which had occurred on the next estate to his own, and the case was that of an unfortunate man, who had been expelled from his holding, because he persisted in sending his children to the National School. Now, all these causes of distress were likely to increase, unless the Legislature and the Government adopted some measure calculated to compel the landed interest of Ireland to raise a fund for the relief of the poor. At present the people subsisted chiefly upon potatoes, and of that vegetable the crops in some seasons were short, and hence the population was liable to periodical privation and distress whenever it happened that those crops failed. Such was now the condition of the people of the district to which he had alluded. He submitted this matter to the House, not merely claiming its compassion, but demanding its justice, That justice would consist in returning to the population a part of that which was their own, and to compel the contributions of those who drew the revenue out of the country to resources which would afford relief to the distressed, and the means of employment to the industrious. However the House might be induced to procrastinate such legislation, it was bound to take care that the people of Ireland should not starve. For the present he should, therefore, ask the Legislature to grant a loan, and to institute a principle of taxation by which that loan should be repaid. As yet he had heard from his Majesty's Government nothing that was satisfactory upon this subject, or as to their intentions with respect to legislation upon it. It was but right that the people of this country should know what was the situation of the people of Ireland; and the only reason for secrecy in the matter was, that if the real state and circumstances of that country were known, they would impress upon the House and the nation generally the necessity of legislation for the relief of the poor of Ireland. Where could be the necessity of appointing a Commission of Inquiry into the subject, when it was known that the people were in a state of starvation, and that the landlords did not contribute to their relief? These were ample grounds for legislation; and a measure to remedy these evils would be more satisfactory to Ireland than either the Church of Ireland Bill, or the promised measure of Municipal Reform. The hon. Member concluded by moving, as an Amendment on the Order of the Day, "That an humble Address be presented to his Majesty, praying that he will be graciously pleased to take the distress existing in the county of Mayo into his gracious consideration."

Viscount *Morpeth* had before risen, on several occasions, after the hon. Gentleman who had just sat down, to address the House on this subject, and he was much pained again to be called upon to admit, that great distress still continued in the districts in question, and would, he feared, continue until the new crops of potatoes came in. The distress he flattered himself, however, was not general, but was, he believed, confined to the districts mentioned by the hon. Gentleman. There distress unquestionably did prevail, and under such circumstances, the Irish Government had taken every step which to them seemed available to meet it. They had sent down to Mayo a chief inspector of police to superintend the arrangements which had since been carried into effect; they had shipped, by a great number of vessels, large quantities of meal and potatoes, commodities which had been sold at a cheap rate to parties who had some means, and which had been distributed in districts where the inhabitants possessed no means whatever. The landing and distribution of these provisions had been superintended by an intelligent officer of the coast-guard; but undoubtedly he feared that he had not been able to overtake the distress, and still further, he must corroborate the statement made by the hon. Gentleman who had brought forward the present Motion, to the effect that the local subscriptions had not been at all equal to meet the extensive evil of distress. It should be remembered, too, that many of the local proprietors were far from opulent themselves, and were unable to contribute. When the hon. Member, however, spoke of a Poor-law Bill as a remedy for existing evils, it should be remembered, that if the House, at this period of the Session, was to entertain such a measure, the Bill could not meet the exigencies of the existing state of things. He did not wish, on this occasion, to say one word on the subject of Poor-laws; he would only say, that the Government would continue to use and apply such means of remedy and relief as were now open to them, and in which he had received, he was bound to say, every support and assistance from his right hon. Friend, the Chancellor of the Exchequer. At the same time, if the House should propose a grant of its own, he should be the last person to complain of thereby being relieved from a responsibility which had pressed heavily upon him—the responsibility of affording relief to such vast distress.

Sir *Richard Musgrave* said, the present distress was anticipated at the time he submitted his Motion to the House for the introduction of a system of Poor-laws. That Motion, however, was opposed by the Government. There was one provision in his Bill which would apply to this case. Some landlords might have contributed to relieve the distress; but, in place of such partial relief, falling upon a few, his Bill went to levy equally a sum upon the whole parish, and thus there would be no loss to the Consolidated Fund. Any money to be advanced would be on the security of a Grand Jury presentment. He trusted his Bill might yet be allowed to go into Committee.

Mr. *Dominick Browne* had called the attention of the Government, three or four years ago, to the distresses which then prevailed in the same parts of the country. He admitted that distress now existed, but it was a little exaggerated, and certainly the landlords of the western coast did not come forward to contribute their share of relief as they ought to have done. It was but fair, at the same time, to say that they were not in very good circumstances themselves. The hon. Gentleman who spoke last talked of a Poor-law. There were parts of the country to which it could not possibly be applied. He would mention, for instance, one island along the coast, the island of Achil. There were 7,000 inhabitants, and the whole rental was but 900*l.* a year. This would give no more than 2*s.* 4*d.* to each inhabitant. No one would say that a Poor-law could be applied under such circumstances. The potatoes, in these distressed districts, were manured with sea-weed, and the produce was rank in consequence. This part of the coast was subject to the westerly and north-westerly winds, which frequently destroyed the flower, and the consequence was a failure of the crop. The only way to better the condition of the people, was to provide labour for them. Though scarcity prevailed in these districts, arising in a great measure from the length and expense of carriage, potatoes were comparatively cheap in the interior of the county of Mayo. There was some distress also in the mountainous districts, where Lord Mountcharles possessed considerable estates, and had generously contributed to the relief of the poor.

Mr. *James Grattan* said, that as it was clear the people in those districts were in a state of starvation, relief ought to be afforded. He would suggest to the noble Lord (Morpeth), that the best mode of relief would be, for the Irish Government to make the advance necessary, and then to apply to the Legislature for means to compel the repayment through a Grand Jury assessment.

The *Chancellor of the Exchequer* assured the House, that from the very first moment that the attention of the Government had been called to the existing state of things in the county of Mayo, they had been unremitting in their exertions to meet the distress. He hoped the hon. Member for Dundalk would consent to withdraw his Motion, for he could assure the hon. Member that the less such a subject was talked of, the better it would be for the country, and the sooner would matters readjust themselves. Nothing was more calculated to interfere with the good object the hon. Gentleman had in view than a discussion like the present. When the case of the distress of the county of Kerry had come under the attention of the Government, if the matter had been publicly discussed, the state of the markets for the supply of food would not so speedily have readjusted itself. The Government in that case had offered small bounties, not apparently made by the Government but by other persons, for supplies, and in the course of a fortnight after the first application, the markets were supplied, and thanks were given to the Government for not having had recourse to the Legislature for assistance. He fully admitted the present state of Mayo demanded the attention of the Government, and he could assure the hon. Member that there was no unwillingness or indifference, but, on the contrary, there was every disposition on the part of the Government to meet the case. Under all these circumstances, he hoped the hon. Member would consent to withdraw his Amendment, involving as it did a subject which ought at all times to be approached with the greatest possible caution.

Mr. *William O'Brien* thought the case of the county of Mayo afforded the right hon. Gentleman, the Chancellor of the Exchequer, an excellent opportunity of having recourse to his favourite remedy for the want of employment among the labouring population. He (Mr. O'Brien) meant the erection of public works. By this means, employment would not only enable the population to meet the present scarcity of food, but a great benefit would arise from the improvements of which this county in particular stood so much in need.

Major *Beauclerk* hoped that early next Session the Government would give to Ireland the only remedy for these series of distresses, viz., poor laws. Though he might be a loser on the property he possessed in that country by such a measure, yet he should be glad to hear from the noble Lord at the head of the Home Department that it was his intention to bring forward such a measure. If so, he would give it his humble but strenuous support.

Lord *John Russell* said, that with respect to the Motion now before the House he must say, that though he was quite ready to concur in the kind of relief which had been in this instance afforded by his noble Friend near him (Lord Morpeth), yet he thought it unadvisable that the House should be called on to interfere in cases of local, partial, and temporary distress. With respect to the question put to him by the hon. and gallant Member who had spoken last, he would say (without in any way thereby pledging either the Government or himself), that the inquiries which were now going on, as to what would be the effect of Poor-laws in Ireland, were such as he thought would empower the Government, by next Session, to investigate and discuss the Question with a view to a permanent decision upon it.

Dr. *Baldwin* hoped that his hon. Friend the Member for Dundalk would not press the House to a division, as such a step would induce the people of Ireland to suppose that the House was divided on a question of mere charity towards them. Though he honoured the intentions of his hon. Friend, which he admitted to be of the purest and most beneficial character, he still could not feel hims elf jstified in voting against the Government on the present occasion.

Motion withdrawn.

Tithes and Church (Ireland).] The Order of the Day for a Committee on the Church and Tithes (Ireland) Bill was again moved.

Mr. *Goulburn*, for the convenience of the House, would state the course which he should pursue with regard to this Bill. After the decision to which the House had come on a former night, which intimated the intention of the majority to refuse that consideration to this Bill which the minority thought that it deserved, he should not think himself justified in wasting his own time, and, what was more valuable, the time of the House, in offering a variety of objections to the further progress of the Bill. No amendments could remove the objections which he felt to it on the score of appropriation. Nothing could reconcile him to the latter portion of it, which went to appropriate the property of the Church to purposes foreign from Ecclesiastical purposes. Nothing could induce him to consent to the re-opening of the tithe composition, except distinct proof that the tithe composition had been accomplished under circumstances of fraud. He had come to that resolution, first, because such a re-opening of the tithe composition would tend to shake the security of all contracts respecting property; and secondly, because having been one of those who, in common with hon. Members on both sides of the House, had held out to the parties interested that the agreements into which they entered under Acts of Parliament should meet with the sanction and support of Parliament, he could not lend his aid to opening those contracts under circumstances which were a violation of honesty, and in which justice could not be done to the parties. His objections to the latter part of the Bill which he contended seriously affected the prosperity and security of the Church in Ireland, remained unchanged. He should therefore forbear from giving the House any trouble on the Bill in Committee, and should reserve any objections which he might feel to the Clauses to the period when those objections might be put upon record—that was, till the bringing up of the Report of the Committee on the whole measure.

The Order of the Day was read, and the House went into Committee on the Bill.

The Preamble postponed.

Viscount *Morpeth* availed himself of that opportunity to state an alteration which the Government intended to make in one of the Clauses of the Bill. From certain quarters, to which they were inclined to look with every deference, a communication had been made to His Majesty's Ministers that strong objections were entertained to that provision of the Bill which directly assigned to the uses of the Board of Commissioners of National Education the excess of the Reserve Fund over and above all the purposes mentioned in the Act, on the ground, that it was calculated to give an invidious appearance in the eyes of some persons to the proceedings of that Board. Though it was to be hoped, that the liberality of Parliament would provide funds for the general education of the people of Ireland, should they fall short during the necessarily scanty beginning of the Reserve Fund; yet it had been inferred, unwisely he thought, that there might arise considerable impatience in districts liable to come under its operation—impatience, which might terminate in the most disastrou consequences. Now, as this was an alarm more apparent than real, yet it was of such a nature, and its existence had been communicated to him from such quarters, that Government wished to meet it in the first instance to the best of their ability. They therefore proposed to alter the destination of the funds by providing that the sums payable to the Reserve Fund, for the purposes of education should be paid by the Commissioners of the Land Revenue to the Consolidated Fund, and the Government therefore proposed to fix a charge of 50,000*l.* to be paid out of the Consolidated Fund from the 1st of April, 1836, by warrant of attorney, for all purposes connected with the education of the different classes of his Majesty's subjects, without any distinction of religious opinions.

On the Question that Clause 1st stand part of the Bill,

Mr. *Finch* did not know whether he should not be out of order in adverting to the Clause just referred to by the noble Lord, which was not regularly before the Committee. He wished, however, that the noble Lord would explain to him what he meant by the terms "national education." The first destination of the Reserve Fund was to be to parishes from which all Protestant pastors had been removed in consequence of their not containing fifty Protestant inhabitants. If that were the case, these funds, instead of being destined to the purposes of "national," would be destined to the purposes of "Roman Catholic" education. The first claim for schools would come from the 300 parishes, in which were no Protestants whatever.

Lord *Morpeth* intended, by the words "national education," that system of education, which was now carried on in Ireland by the Board of Education, and which had been commenced under the auspices of his noble Friend, the Member for North Lancashire.

The first Clause was agreed to. On the second Clause,

Lord *Stanley* rose to make a suggestion to his noble Friend, the Secretary for Ireland, on the course which he (Lord Morpeth) was going to pursue with respect to this Bill. That course was open to the same objection which had been made against the Bill proposed by the hon. and gallant Gentleman, who had preceded him in office. Before he entered into any explanation of that objection, he would state, that it was his wish in the first part of the Bill to offer such suggestions for the improvement of it, as he thought were desirable, avoiding at the same time all discussion on the latter part of it, to the principle of which no Amendment would ever reconcile him. The first suggestion which he had to make, referred to what was technically the ascending and descending scale of the Bill. He wished his noble Friend to consider, before he came to the 5th Clause, a part of it by which no compensation was provided for those who must be injured by its operation. He was sure, that the common object of all parties on both sides of the House, was to provide, that the owner of the soil, and not the occupying tenant, should be the person charged with the payment of the tithe, or tithe composition, or the rent charge in lieu thereof. That was the object of all the Bills which had been passed on this subject, from the year 1823, down to the present period. In 1823, by the first Tithe Composition Act, it was determined, that tenants paying composition should be entitled to deduct the amount from their rent, and under this arrangement the clergy were the receivers, and the occupying tenants the payers of tithe. To obviate the objection arising from bringing the clergy and the occupiers of land into collision, it was proposed by the Bill he had introduced, that all future leases of lands should be granted free of tithe, and that the grantor, and not the tenant, should be liable to that charge. A difficulty was felt as to the introduction of a like system with reference to current engagements and leases already granted; for it was considered to be a hardship, that the landlord, taking upon himself the entire burthen of tithe, should have to collect the amount in a number of small payments from a numerous class of occupiers. He therefore proposed, that any landlord, who, before the expiration of existing leases might voluntarily agree to pay the tithe should be allowed a deduction of fifteen per cent, with a right to collect the whole sum from his tenants. This was done with a view to compensate him for any loss he might sustain in collecting the tithe. It was now proposed, that the landlord should be compelled to take upon himself the responsibility of paying tithe, with a power of recovery against his tenants, and that he should be allowed a reduction, not of fifteen, but of thirty per cent, which, however, he was obliged to allow to the tenants. Thus, although the risk was entirely thrown upon him, the landlord reaped no immediate benefit from the arrangement; but it must be admitted, that at the expiration of existing leases, his land would become more valuable. This might be considered a sufficient compensation. However, the case of persons having an intermediate interest between the head landlord and the occupying tenant was different—here there was no compensation for the additional risk, and he suggested to his noble Friend, whether he might not be able to devise some remedy for the injustice. Suppose an estate let by a landlord to three middlemen, on leases of twenty-one years, and sublet by the middlemen at profit rents to fifty tenants. In this case, the head landlord incurred no risk with respect to tithes, the middlemen being liable and solvent. But what was their state? They were called on to pay to the landlord 70*l.* for every 100*l.* of tithes in a case where they had not covenanted to pay a farthing, and they were empowered to collect from the fifty tenants a sum not exceeding by a single farthing what they themselves must pay. Now, these middlemen had no permanent interest in the property to compensate them for any immediate loss they might sustain, —unlike the landlord, they would not be benefitted by the circumstance of the estate becoming eventually more valuable in their hands. He threw out this difficulty, which he felt to involve a serious practical evil, for his noble Friend's consideration. He did not mean to suggest any Amendment, but if his noble Friend had not time to consider the subject previously to the putting of the 5th Clause, on which the question arose, he hoped his noble Friend would pay attention to the subject before the Report, for if not, he apprehended an injustice would be done which the act provided no mode of remedying.

Mr. *Walker* thought, that the middlemen ought not to be allowed to collect more from the occupying tenant, than the head landlord paid to the clergy. He took this opportunity of stating, that some Irish Conservative landlords, who were at first disposed, out of regard to the Church, and in order to avail themselves of the *bonus* of fifteen per cent, to take the payment of tithe upon themselves under the last Composition Bill, declined doing so when they found their tenants would not be likely to repay them.

Mr. *Henry Grattan* said, that by the 5th Clause middlemen were empowered to recover tithes as rent by ejectment, a power that they never had before, and which was quite sufficient for their protection without giving them any bonus.

The *Chancellor of the Exchequer* said, that the cases put by the noble Lord would become day by day fewer. The fact was, that in this Bill, as in that of the noble Lord, it was assumed, that as regarded existing leases, landlords and tenants would arrange so, that injustice should be done to neither party.

Mr. *Shaw* preferred the descending to the ascending scale. Upon the whole, he thought, that it would be best to throw the burden upon the first estate of inheritance.

Viscount *Morpeth* stated, that he could see no other way of steering between the reduction to be given to the landlord, and the relief to be afforded to the tenant than that proposed by the Clause.

The Clause agreed to.

On Clause 5,

Mr. *O'Connell* objected to the Clause, as throwing a burden on those who had lately been exonerated from it, but he was willing to waive his objections for the sake of good to be effected by the measure. So little had the people of Ireland been in the habit of paying tithes of late years, that the re-enactment of them by this Bill was almost like throwing a new burden upon the people. What would be the consequence if this Bill were rejected? By the noble Lord's (Lord Stanley) Bill, the clergy would have recovered seventy-seven and-a-half per cent of their tithes; by the Bill of the right hon. Baronet opposite, (Sir H. Hardinge) seventy-five per cent; and the Bill now under consideration insured the clergymen seventy-three and-a-half per cent; but if the Bill were rejected, what would they recover? Little or nothing. The people would refuse to pay tithes, and only the enemies of the Church could desire to see the Bill thrown out.

Lord *Stanley* was sure, that no member of the Church objected to the settlement of the tithe question, or to the amount that was proposed to be awarded to the clergyman. He hoped, that the House would not let it be supposed that the payment of tithes to the clergy as a body, was likely to cease; as for the present measure being a boon for the clergy, he doubted whether a larger amount of tithes would not be paid if this Bill did not pass, than if it did. In the Act which he had introduced, provision was made for the payment of the clergy by landlords, and payment had been made to the amount of from 180,000*l.* to 200,000*l.* The payments which would be made under this Bill would not, at the utmost, exceed 280,000*l.* If this did not pass, 200,000*l.* per annum would be paid without any difficulty to the clergy, and certainly many difficulties would arise under this Bill. He did not urge this as an argument against a fair arrangement; on the contrary, he was most anxious to promote it. He protested against the assumption that tithes would not be paid if this measure did not pass.

The *Chancellor of the Exchequer* observed, that no doubt some tithes might be collected under the existing law; but he wished to call the attention of the House back to the case before them. He believed that, for the future, it would be highly dangerous to the interests of the Church, if this measure did not pass. If it were carried into effect, the clergy would never be brought in contact in any way with the tithe-payers, but would go and obtain the amount due to them from the collecting-officer of the Government. This, he thought, was highly advantageous to the clergy. He also begged his noble Friend to recollect, that the landlords were not always so willing to pay tithes.

Mr. *Shaw* declared, on the part of the clergy, that they were willing to make any sacrifice for securing the peace of Ireland; but they could not, conscientiously or consistently with their duty, consent to sacrifice a principle. They never would be induced, by any apparent temporary advantage to themselves, to sacrifice the permanent good of the Church.

Mr. *O'Connell* said, that the right hon. Gentleman had not objected to the principle a few months ago, for he had applauded the measure proposed by the right hon. and Gallant Member (Sir Henry Hardinge), in which a deduction of twenty-five per cent, was to be made from the income of the clergy. By the Bill of last year, the clergy would have received 77*l.* 10*s.* per cent; by the measure of the late Government they were to receive 75*l.*; and by the present Bill, 73*l.* 10*s.* per cent. The right hon. Gentleman said, that he would not consent to yield up the principle—which he had already done—or to allow the claims of the clergy to be lessened, which appeared also to be the case, for the advance, which they made was very much like that in a Dutch auction, where each bidding was less than the former. He would caution the clergy against listening to the suggestion of the noble Lord. It would be a matter of absurdity to rely upon the landlords, or to suppose that they would willingly consent to pay tithes. They might not choose to resort to the committal of Whiteboy outrages to prevent the payment of tithes, but still they would manifest the strongest possible opposition to the Church. He believed, that the number of landlords who consented to the payment of their tithes, under the Bill of the noble Lord, did not exceed twelve in number. If the clergy were to rely upon the noble Lord's Bill to procure the payment of their tithes, they would obtain merely a mouthful of moonshine. It was a gross delusion to suppose, that the clergy would obtain their tithes if this Bill did not pass.

Clause agreed to.

On Clause 9 (compositions for tithes may be revised on application to the Commissioners of Land Revenue) being put,

Lord *Stanley* objected to re-opening the cases of commutation that had been entered into respecting the payment of tithes. This could not be done without instituting inquiries into the circumstances under which each case was entered into. In the Act of 1833, provision was made by which the Lord-lieutenant in Council was enabled to re-open the question of commutation in any case in which it could be proved that the commutation had been entered into—not merely in cases of fraud and wilful concealment — but wherever the parties were ignorant of the circumstances of the case. There had been only two or three instances of such appeals. In the next year, in the Million Act, opportunity was afforded to parties to open the question of commutation, not merely before the Privy Council, but before the assistant Barrister, in any case in which it clearly appeared that injustice had been done. The course proposed in this Bill, however, would be attended with great inconvenience, and would occasion great confusion. He objected that it did not appear necessary that notice should be given of the nature of the evidence to be brought before the Barristers. If anything had been fixed, it was the amount of the composition entered into fourteen years ago. Now it was proposed that three Baristers should be called on to alter the composition as they thought fit, and there was to be no appeal from what they might decide.

Mr. *Perrin* intended to move an Amendment to the Clause which would he hoped, remove some of the objections. The effect of the Amendment he should propose was this: That where the amount of the composition exceeded by more than one-fifth the actual amount really paid or adjudged to be paid on the average of the seven years preceding the time of the composition, the complainant was to prepare a *primâ facie* case; next, a notice by the party was to be posted upon the church doors; there every such application was to be accompanied by a statement in writing, specifying the facts, the grounds, and the reasons for making the same; and the same grounds and reasons were to be stated on affidavit. This was to be submitted to the Commissioners of Woods and Forests, who were to certify as to the grounds of the revision to the Lord-lieutenant, and he thereupon was to issue his warrant for the revision. Thus the course to be taken would not be left altogether to the revising Barristers. They would be called upon to state the actual grounds of their decision.

Mr. *O'Connell* thought it would be better to leave the Clause out altogether, than that it should be carried with such Amendments. If it were amended as proposed, it would be a mockery—an idle mockery. It was most objectionable to involve it in so many technicalities and obstructions. Six weeks was too little time for notice of the intention to apply for a revision; three months at least ought to be given. What the people of Ireland complained of was, that the sums agreed to be paid on the average were colourably agreed to. In some cases the average for a whole parish was founded on a single decree.

Lord *Morpeth* said, the object of the Government was to secure to the clergy the full amount to which they were entitled, and, on the other hand, to relieve the people from burthens that had improperly fallen upon them. All he asked was, that they should go deliberately through the Clause, strict justice between all parties being what the Government sought.

Mr. Serjeant *Jackson* said, that in many of the compositions which this Clause might open, the evidence on which they were made was lost, or the parties perhaps were dead. Some of the compositions had been made years ago on promissory notes, memoranda of agreement, and field-notes. When once a composition was entered into, it was considered final.

Mr. *Perrin* did not think his Amendment would be liable to the objections of the hon. and learned Gentleman. The party would have to state his complaint on oath to the Commissioners of Woods and Forests, who, if they saw fit, would grant a revision; and the Lord-lieutenant would issue his warrant for the revision, specifying what were the grounds. This appeared to him to be a simple course. He had no objection, however, to postpone the Clause, to afford time for the Amendment being considered.

The Clause, with the Clauses up to 12 inclusive,(those relating to revision of composition) were postponed.

On Clause 14,

Mr. *Shaw* said, that there was no necessity for the new appeal to the Commissioners of Woods and Forests, which the Clause established; the results of the present system of appeal to the Privy Council of Ireland, as provided by former Acts of Parliament, were fully sufficient to show that it could lead to no useful end. The decisions under the existing arrangements had been pretty well balanced; the cases of diminution and those of increase had been nearly equal, — very many of the appeals had been dismissed, and nothing whatsoever had been gained on the whole by the proceedings.

The *Chancellor of the Exchequer* contended that the new appeal was necessary to provide for the cases of hardship which would arise without it. The argument of the right hon. Gentleman, (Mr. Shaw) might apply if the property of the Church were to be viewed only as a whole; although a new appeal might not be necessary, because under that already existing the gross amount of composition had neither been increased nor diminished, still it was required for the sake of justice in individual cases, in which particular portions of that composition ought to be decreased or augmented.

Lord *Clements* said, that under the system established by former Acts, particularly by that called "Goulburn's Act," the expenses of appeal were so great as to prevent its being resorted to in many cases in which it otherwise would be. Another cause of the smallness of the number of appeals under that system was to be found in the constitution of the tribunal to which they were made—the Privy Council of Ireland.

Mr. Sergeant *Jackson* observed, that there was no ground for throwing out any imputations upon that tribunal; the portion of the Privy Council by which their appeals were usually determined, consisted of some of the Judges of Ireland and other individuals whose characters were as high and unblemished as those of any persons, of whatever rank, in any profession whatsoever.

Mr. *O'Connell* said, that he had seen many a tribunal, and that he never saw one half so bad as that in question; it was such that there existed not the smallest chance of bringing down a composition before it—unless, indeed, in some very gross case. The hon. and learned Gentleman might fairly eulogize the individuals composing that tribunal, but could he eulogize the tribunal itself?

Clause agreed to.

Clauses to 49 were agreed to, with Amendments.

The House resumed—Committee to sit again.

## HOUSE OF LORDS,

### *Tuesday, July* 28, 1835.

MINUTES.] Bills. Read a second time:—Lunatic Act Continuance.

Petitions presented. By Lord WILLOUGHBY DE ERESBY, from Grantham, in favour of the Prisoners' Defence Bill. By the Marquess of LANSDOWNE, the Earl of RADNOR, and Viscount MELBOURNE, from a Number of Places, in favour of,—and by the Dukes of CUMBERLAND, WELLINGTON, BEAUFORT, Marquesses of SALISBURY and AYLESBURY, Earls of HAREWOOD, BROWNLOW, DEVON, HADDINGTON, OXFORD, ABINGDON, DE GREY, and Lords DYNEVOR, PRUDHOE, ASHBURTON, SKELMERSDALE, STUART DE ROTHSAY, and a NOBLE LORD, from a great Number of Places, against the Municipal Corporations' Bill.

CORPORATIONS — PETITION.] The Earl of *Falmouth* presented a Petition from Truro, against the Corporation Reform Bill, and would take that opportunity of correcting a misrepresentation of what had fallen from him yesterday as to the borough of Weymouth and Melcombe Regis. He found it stated in the public prints that he had said that the Corporation of Weymouth and Melcombe Regis had the administration of funds amounting to 30,000*l.* a year. He wondered how the mistake could have been made, for he had read the statements from a printed paper. He should now beg leave to read it again. The noble Earl read a statement which in substance set forth that the Corporators were the Trustees of several charitable funds, some of which had been managed by themselves, and some by other persons for more than two hundred years, that the Bill was about to interfere with this trust property, which could not properly be done unless with the consent of the representatives of the donors. He had said nothing whatever about 30,000*l.* a year. He had pointed out the mistake of the Commissioners, which in charity he hoped was unintentional, as to the election of Mayor of the borough. It was stated by the Commissioners, that the election was made by thirty-six corporators from four persons presented by the Aldermen. Now, the fact was, that the election was made by the Aldermen from four persons presented to the Corporation by the 1,500 householders and inhabitants of the borough.

The Earl of *Radnor* said, that the statement of yesterday as to Melcombe Regis and Weymouth having been this day repeated by the noble Earl, he begged leave to take that opportunity of showing that the noble Earl himself was under a mistake as to what the Commissioners said on the subject of that borough. The noble Earl had stated that the Report of the Commissioners misrepresented the mode of the election of the Mayor of Weymouth. Having heard that statement, he had the curiosity to refer to the Report, and there he found the noble Earl's mistake. The Report stated, that the election was by the Corporation from four names presented to the Mayor and Aldermen, and by reference to the account of the Corporation itself it appeared that the Corporation consisted of the Mayor and Aldermen, and burgesses and inhabitants, so that in fact, the Report stated that which the noble Earl now declared the fact.

The Earl of *Falmouth* said, that he had looked into the Report, and that having looked into it, he was saved from saying any thing of the trash it contained —and much trash it did contain; but his attention had been particularly called to a statement of the mismanagement of certain trust estates at Truro by the Corporation of that town. He found it stated in the Report, under the head of charities, that the members of the Corporation were the trustees for several charitable funds, the total income of which was 125*l.* 19*s.* 4*d.* and that a portion of the property was let on leases for terms of years. This was the statement. Then came the "Observations," which were to the effect, that it appeared that the amount of the reserved rent for the charities was 6*l.* 9*s.* 3*d.*, but the amount of the rents received was 334*l.* 10*s.*; that the Corporation had paid the amount of the reserved rent to these charities, but that they had applied the rents otherwise received to other purposes. Now the fact was, that they were not trustees for several charities, but for one charity. That trust was erected in 1792, for the maintenance of an hospital, in which ten poor widows were to be maintained from that time forward. The lands for the support of this hospital had been let on lease; the trustees might run out the existing leases, but then they must have starved the poor widows, and therefore they continued those leases in existence. The whole reserved rents amounted to 125*l.*; from other sources about 12*l.* more were derived, making the whole a sum of 137*l.* 19*s.* 4*d.* The cost of the ten widows had been about 124*l.* which, with some other small charges, left a balance of 12*l.* 15*s.* and some odd pence. The necessary repairs of the hospital had cost a sum of 20*l.*, so that the Corporation was rather in advance than otherwise, and there was no charge whatever made for the management of the funds. The hospital was extremely well kept so as to be an object with the best class of poor widows. These were the facts of the case, and he asked their Lordships whether twenty-four men of fortune and of high character, such as were the members of the Corporation of Truro, whether they were to submit to go down to posterity in a record of this nature as persons who mismanaged a charitable trust. He hoped that this calumniated body of Gentlemen would have an opportunity of being heard at their Lordships' Bar in their own defence.

Viscount *Strangford* rose in pursuance of notice to present a Petition from the Mayor, Bailiffs, and commonalty of the city of Coventry, under their common seal, praying to be heard by Counsel against the Bill for regulating Municipal Corporations in England and Wales. He would not trouble their Lordships with any expression of his own sentiments respecting either the principle or the provisions of the Bill. He would confine himself to a brief statement of the grounds on which the Corporation of Coventry claimed that which he thought their Lordships could hardly deny them—an opportunity of showing how grievously their rights, privileges, and property, were affected by its enactments. It was mainly a question of property, and it was not their Lordships' practice to dispose of such questions without affording a fair hearing to those whose interests were concerned in them. The Petitioners were seized in fee-simple of large estates, of which a great portion had been acquired by purchase. These possessions, together with certain rights, privileges, and immunities, were secured to them by a long series of charters from the Crown. They also held very extensive estates on trust for purposes of charity and education, and for the maintenance and support of the Established religion, which had been vested in them, from time to time, by members of their own body, or others, and secured to them by an Act of Parliament, by various decrees of Courts of Equity, and by a decision of that very House of Parliament, acting in its judicial capacity. Their administration of these estates, had elicited the most honourable testimony from the Commissioners of public charities, after an inquiry of several months, although that testimony was singularly—he would say suspiciously—suppressed in the Report of the Municipal Commissioners, one half of that Report being neither more nor less than a transcript of the previous Report made by the Commissioners of public charities. Now, by the Bill before the House, all the rights and privileges growing out of the possession and occupation of these estates, and solemnly guaranteed to the petitioners, in the manner which he had described, were to be swept away, without any previous proceeding having been instituted in any one of his Majesty's Courts of Law, for any malversation in the discharge of their corporate duties, or in the exercise of their corporate rights. The Aldermen and members of the Council of Coventry, were, moreover, elected for life; and under the foundation deed, and under the sanction of a decree of that House, they were entitled during life to certain annual payments for their management of the trust estates. They were also Justices of the Peace for life, *ex officio*, for the county and city of Coventry; and of this property and of these honours they were to be despoiled by the Bill before the House, in violation of that immutable maxim of law which says, that no degradation or ouster from office or estate, corporate or private, can take place without process, founded on inquiry, in some one of his Majesty's superior Courts of Law. The Petitioners held their chartered rights, dignities, and privileges by a tenure precisely analogous to that by which their Lordships' held their own rights and privileges, and enjoyed their own titles and honours. The Bill before the House went absolutely to confiscate every species of property held by the Corporation of Coventry. It despoiled them of the estates which they held in fee-simple, and without condition; and with respect to the estates which they held in trust for charitable and religious purposes, and for the sole and exclusive benefit of the freemen, it diverted that property into other hands, to whom the donors never meant to confide it, and that too, without a scintilla of proof of violated trust, and, what was more without the concurrence, and even without the knowledge of the parties to whom such estates would pass by operation of law, whenever the class of persons for whose benefit the trusts had been created should cease to exist. He would not then enter at length into the case of another description of persons whose privileges were invaded, in truth, annihilated, by this Bill. He meant the freemen of Coventry. They certainly did not appear by this petition, but their rights were so involved in, and derived from those of the Corporation from which the petition proceeded, that he must take that opportunity of stating that, by the provisions of the Bill, the important right of acquiring the freedom of Coventry would hereafter be utterly extinguished and abolished, to the manifest injury of upwards of 2,000 young men, who were then serving under indentures of apprenticeship, and who had contracted the engagements by which they were bound on the faith that, at the expiration of their term of servitude, their diligent, and in their humble station, their honourable exertions, would earn for them not only a participation in those valuable rights of property to which he had already referred, but also the, to them, still dearer and prouder privilege of the elective franchise in their native city. Such was the regard shown by the Bill to the principle of that celebrated "fixed settlement," called the Reform Act, that its inevitable operation would be, that when the existing race of freemen should cease to be, the number of electors for Coventry would be reduced from 3,600 to something under 1,500. So much for the boasted principle of the Reform Bill, as aided, and brought forth, and extended to the provisions of the Bill for regulating Corporations in England and Wales. He had endeavoured to confine his observations on this petition as much as possible to the mere question of property, because he was sensible that it was upon that ground that its claim to their Lordships' attention was principally founded. There was, however, another point of a somewhat different nature, to which, in justice to the case of the petitioners, he was bound to advert. They had placed him in a condition to show their Lordships, and they were themselves prepared to prove at the Bar, that the evidence on which the House was proceeding to consider that Bill of pains and penalties against them—the Bill which robbed them of their property, and their fellow-citizens of their dearest and most precious rights—was, to use the least offensive terms that he could devise, mutilated, imperfect, and founded on biased, unfair, distorted and partial statements. He would add no more, hoping that he had said enough, to induce their Lordships to abide by constant practice and precedent, and to grant to the petitioners a fair, full, and candid hearing, against a measure which subverted all their rights of property, of which their Lordships had ever been the faithful, and he trusted ever would be the fearless protectors.

Lord *Brougham* said, I know not whether my noble Friend intends or not to follow up the petition with a Motion at this moment that the petitioners be heard by counsel against the Bill, but he must allow me to tell him that if he will look at the 67th section of the Bill, he will see sufficient to show him that these petitioners have quite misunderstood the measure against which they call on your Lordships to allow them to be heard by counsel. One part of the complaint of these petitioners is, that all their property is to be confiscated —that is, it is to be treated exactly as your Lordships treated the property of all the Scotch boroughs, without a division on the matter, just two years ago. [The Earl of *Haddington:* not without opposition.] Ay, I know that the noble Lord was not gratified by what then took place; but I speak to your Lordships, not to the noble Lord alone; I am not using an *argumentum ad hominem*, much as I esteem the man. It is easy to say, but the abler his resistance was, and the stronger his case, the worse did your Lordships treat the Scotch boroughs, for your Lordships did not even take the trouble to divide on the Question. The petitioners call this confiscation, I say it is restoration, and the confiscation which your Lordships are charged with committing when you passed the Bill in 1833 is the same sort of confiscation which your Lordships are in the habit of committing every time that you sit as Judges in this House, when one man by fraud gets possession of property, and you take it from him and give it to the rightful owner. It is the same sort of confiscation which my noble and learned Friend (turning to Lord Plunket) commits in like cases in the Court of Chancery in Ireland —it is the same sort of confiscation which I was in the habit of committing for four years, wanting one day, in the Court of Chancery in England, and it is the same sort of confiscation which my right hon. and learned Friend, the Vice-Chancellor —to whom I might appeal as he is here, but that I am sorry to say, though here, he has not the privilege of answering my appeal—it is the same sort of fraud which his Honour the Vice-Chancellor is in the habit of committing when upon an information for the abuse of charitable funds, he pronounces a decree, declaring the true and proper uses of the trust property. The petitioners call this the confiscation of the property—we call it, in equity, the restoration of the property to the right owners. I should have said nothing about this matter at present, but should have reserved my observations for the discussion of the Bill itself, but that this is a grave charge thus to be brought against the Bill by the petitioners. They state, that they are now the holders of a large property, left by pious individuals for charitable uses, and that this Bill is now proceeding to lay hands upon it to confiscate it, and to apply it to different uses from those to which it was originally destined. Now, let my noble Friend, and your Lordships, hear the sixty-seventh Clause. The noble and learned Lord here read the Clause, to the following effect;—"And be it enacted in every borough in which the body corporate or any one or more of the members now stands seised or possessed for any estate interest whatsoever of and in any hereditament, the council of such borough shall nominate from among the burgesses persons of whom the Mayor for the time being shall be one, who shall be charitable trustees for such borough, and shall be one body corporate, shall have perpetual succession, and shall stand seised and possessed of the said hereditaments, sums of money, and securities for money, and other personal estates, for such uses and trusts respectively as they were subject to before the passing of this Act." I am one of those who think that in this part of the measure some further guards may possibly be necessary, and I have given the best proof that I think so by having brought in a Bill which now stands for a second reading in your Lordships' House, and which the noble Lord in the other House has said, might, with his consent, go on step by step with the present measure, and with reference to which I will venture to say, with the utmost positiveness, that it will prevent in future the happening of one-twentieth of those abuses which have before now happened under the old Corporations and the old Corporation management.

The Petition was laid on the table.

CORPORATION REFORM—COUNSEL.] Viscount *Strangford* moved, that the Petitioners from Coventry be heard by Counsel at the Bar, in support of their privileges, and in opposition to some of the allegations in the Report of the Commissioners of Municipal Inquiry. The noble Lord complained of the manner in which the Bill would dispose of particular kinds of property, which had been bequeathed to Corporations for charitable purposes. He alluded in particular to Sir Thomas White's estates, which had been given for the benefit of the Freemen of Coventry, but which under the operation of this Bill, would be diverted to uses totally at variance with the intention of the donor.

Viscount *Melbourne* suggested to their Lordships, that it would be utterly impossible for them to concur in the Motion of the noble Lord who had just sat down, because that Motion was consistent neither with precedent, reason, nor principle. If the Report of the Commissioners, against which the petitioners desired to be heard, imputed any misconduct to the borough of Coventry in particular, he was perfectly ready to admit that the case would be a proper one in which to hear Counsel. But this was a measure founded, not upon the malfeasance of any particular corporation, but upon one broad, fixed, and general principle, applicable alike to all corporations. It was a general Bill, founded upon a general principle, for the general advantage of the country. It was a Bill similar to that which their Lordships had formerly passed for the disfranchisement of 40*s.* freeholders in Ireland, and with respect to which it was not deemed necessary that Counsel should be heard at the Bar. It was a Bill similar to that which was passed a few years since for the general Reformation of the Representation of the People throughout the kingdom—a Bill disfranchising many, enfranchising others, depreciating the value of the property of some, enhancing the value of the property of others—destructive of power and authority here, communicative of power and authority there—and yet that Bill, effecting so many changes, and variously affecting so many various interests, was passed by both branches of the Legislature without any Counsel having been heard, or any such proposition as that of the noble Viscount (Strangford) being made; or if made, not for a moment listened to. He might advert, indeed, to another Bill, more immediately applicable to the Bill then under consideration, than either of the two measures to which he had already adverted—he meant the Bill which was passed towards the close of the Session of 1833, for Reforming the whole of the Corporations of Scotland. By that Bill, important interests, and an immense mass of commercial property in the great towns —such as Edinburgh and Glasgow—were very materially affected, yet no Counsel was heard; no such motion as that of the noble Viscount was made; nor if made, would it have been listened to. Upon those general grounds, he submitted to their Lordships that there was no pretence whatever for hearing Counsel in the present case. There could be no pretence whatever for adopting such a course, unless, indeed, it were their Lordships' wish and intention to defeat the Bill by delay. If it were their Lordships' intention to defeat the Bill by delay, then they might hear Counsel; but if they had no such intention—if they meant to give the measure a *bona fide* consideration—if they meant to give it fair play—if they meant to give it that calm and considerate attention which its importance, and the anxiety of the whole country with respect to it demanded—they would not pursue such a course as that which the noble Viscount had called upon them to adopt. "I respect," continued his Lordship, "I respect your Lordships—I respect your authority—I respect your dignity—I respect the position you occupy relative to the constitution. Your dignity is well assured, and your power is well settled; but the power, and dignity, and authority of no body of men, either in these or in any other times, was ever so settled and secured as to enable them with impunity to trifle with the popular opinion." He implored their Lordships, therefore, not to listen to the Motion which had been made by the noble Viscount, but to go fairly, and without delay, into the consideration of the Bill. The noble Viscount had made a great many observations with respect to the Reform Bill, and to the diversion of the funds of charities to other purposes than those to which they were originally intended. The noble Viscount said, that Sir Thomas White's charity was vested in the freemen of Coventry, and in justice could be extended to no others. But supposing that the freemen of Coventry ought to be abolished in other respects, did the noble Viscount mean to say, that they ought to be kept up for the purpose of enjoying Sir Thomas White's charity. Surely their Lordships would not say, that to fulfil the will of a donor they were bound to maintain that which was acknowledged or found to be an abuse? If their Lordships were to accede to the noble Lord's proposition, it would be impossible to tell to what an extent it might be carried; because, if it were once admitted that one corporation had a right to be heard, all would claim to be heard, and thus it would be rendered impossible to carry the Bill through during the present Session. If their Lordships intended to put an end to the measure in that way, they would accede to the motion: if they had a *bona fide* intention of fairly discussing it, they would not for a moment listen to such a motion.

The Duke of *Wellington* agreed with the noble Lord who had just spoken, that nothing would be more unbecoming or unworthy of that House than to trifle with the property or privileges of any class of the community, or to attempt, by vexatious delay, to defeat any measure that might be submitted to their consideration. But never was there an occasion on which such an imputation as that thrown out by the noble Lord was more unfounded, or more undeserved; for if ever there was a question on which any body of men seemed disposed to move with all the celerity that circumstances would admit of, it was the question then under their Lordships' consideration. In point of fact, the evidence upon which they had to proceed in legislating upon the subject, had only for a few days (at least the greater part of it) been upon their Lordships' Table, and he would venture to say, that not one in ten of their Lordships had perused more than a very small portion of that which had been produced. He had not the smallest desire to delay the second reading of the Bill, or any of the future proceedings upon the subject. Nay, if the noble Lord had not made such a charge upon that side of the House, he (the Duke of Wellington) was prepared to come forward with a proposition with respect to the hearing of Counsel, which, in his opinion, would have precluded the possibility of any delay, whilst at the same time full justice would be done to all parties. The noble Lord (Melbourne) began by stating, that this was a measure of general policy and not a measure embodying separate and distinct charges against individual boroughs. He (the Duke of Wellington) admitted it was a measure of general policy, but it was a measure of general policy founded upon the Reports laid upon their Lordships' Table, and of the truth of which the parties, in many instances, complained and desired that their Lordships would be pleased to hear their complaints. The noble Lord had been pleased to compare this transaction with another transaction in respect of the 40*s*. freeholders of Ireland. The noble Lord forgot that the offer had been made for the disfranchisement of the 40*s*. freeholders, on certain conditions, not less than two or three years before the measure by which they were actually disfranchised was carried. Neither did the noble Lord state that it was admitted, in the discussions in that House upon the Report, that the 40*s*. freeholders were useless, nay injurious, as members of the electoral body. That being the case, it was natural enough that they should not be heard by Counsel. With respect to the Reform Bill, it was perfectly true that many persons had been injured in their property, in consequence of the adoption of that Bill; and it was also true, that many, very many interests had been entirely set aside by it; and although Counsel were not heard upon that Bill, any more than on the case of the Irish 40*s*. freeholders, and the Scotch Corporations' Bill, the noble Lord (Melbourne) should not forget that there were other measures, having as strict an affinity to the present Bill as any he had mentioned, upon which Counsel were heard. For instance, in the case of the Bill for the Abolition of Heritable Jurisdictions in Scotland, Counsel were heard on the second reading, and on the Question for going into Committee. In the present instance he (the Duke of Wellington) was prepared to offer to the noble Lord (Melbourne), in order to create no delay, supposing the House to agree to the second reading, that Counsel should be heard on the Question for going into Committee; and he (the Duke of Wellington) was perfectly ready to proceed with the discussion the very day after the second reading should be disposed of. He must say, therefore, that the charge which had been made against any body of persons in that House having an intention to defeat the measure by delay, was unjust and uncalled for; and he must go further, and say that it was not quite founded upon the fact. As to going into Committee on the Bill, it could not be expected that any one would be prepared to do so, for some few days to come. To hear Counsel, therefore, previous to going into Committe, would, in fact, be to create no delay whatever.

Lord *Brougham* was sure no person felt more strongly than he did the impropriety of any such charge against that House as that to which the noble Duke had alluded; but if he rightly heard his noble Friend, (Lord Melbourne) he rather thought that his noble Friend particularly endeavoured, fruitlessly, as it would seem, to guard himself against the very charge which the noble Duke had brought against him, because he expressly said, that he would impute no such desire to their Lordships as that of defeating the measure by delay, but that he wished to warn their Lordships not by any act of theirs, to induce the people out-of-doors to suppose that they were actuated by such a desire. But, passing from that point, he begged for a moment to call their Lordships' attention to what the result would be, if such a motion as that of the noble Lord opposite (Strangford) were carried. If it should succeed, every corporation in the kingdom would set up its right to be heard by Counsel, and if the right were acknowledged in one instance, it must necessarily be acknowledged in all. Coventry had no greater claim to be heard than Liverpool, or Warwick, or Maidstone, or any other of the corporate towns of the kingdom whose interests would be affected by that Bill. Sir Thomas White's was not the only charity in which corporate bodies had an interest. There was Smith's charity, and the Bedford charity, in each of which precisely the same claims might be put forward. Already there were twenty towns claiming to be heard by Counsel; accede to the present proposition, and by the end of another week there would be two hundred. In each of those two hundred cases at least two Counsel would be employed, and thus not only would the House have to listen to four hundred speeches, of the duration of each of which two hours might be taken as a short average, but there would also be all the details of evidence obtained from perhaps as many as a thousand witnesses. It was clear, therefore, that their Lordships must either make their own sittings perpetual, or else reject such a proposition as that which the noble Lord (Strangford) had brought forward. There certainly was one arrangement under which it would be possible, and perhaps advantageous, that Counsel should be heard. If all the parties opposed to the Bill would consent to consolidate their opposition under one banner—select two Counsel to conduct their case, and agree to abide by the result of the argument which those two Counsel should be enabled to advance against it; he was not aware that there would be any objection to the adoption of such a course. If, for instance, Sir Charles Wetherell and Mr. Knight, two of the most eminent men at the bar, should be selected to conduct the argument, and should be admitted to their Lordships' Bar to oppose the principle of the Bill, he was quite sure that any particular corporation would be very foolish in afterwards expressing a wish to be heard separately; because if those learned and accomplished gentlemen could not convince their Lordships by the arguments which they should advance upon the subject, he did not know who could. To such an arrangement he (Lord Brougham) should not be opposed; but he did most peremptorily object to the Motion then under the consideration of the House, because it seemed calculated by a sidewind to get rid of the whole subject.

The Earl of *Ripon* had heard with satisfaction the manner in which the noble and learned Lord had vindicated their Lordships from the charge that there existed on their part any desire to interpose any unreasonable or unjustifiable delay in the early and immediate consideration of the Bill. For his own part, he (Lord Ripon) thought that nothing would be more unbecoming, more absurd, or less creditable, than the adoption of such a course; but it did not follow from that, that there might not be circumstances in the case which would make it advisable and just for their Lordships to give some hearing to the petitioners who appeared before them; and he had, therefore, heard with great satisfaction the suggestions thrown out by the noble and learned Lord (Brougham), by which, as it seemed to him, justice might be done without the interposition of any inconvenient delay. If, indeed, the effect of the proposition made by his noble Friend on the right (Lord Strangford) were to be that they should hear Counsel from every borough which should petition against the Bill, it must be obvious that the labours of the House must be interminable. But it appeared to him that there would be no improper delay, if they were to accede to the proposition of the noble and learned Lord, which, judging from what had fallen from the noble Duke, would not be objected to by him. He trusted, therefore, that their Lordships would be induced to adopt that proposition. But if it were right and practicable to take that course with respect to the principle of the Bill, he thought it would be equally right and equally practicable to do the same with regard to those peculiar objections on which so many of the petitioners relied. It appeared to him to be of the utmost importance that those parts of the Bill should be argued which affected, not the political rights, but the pecuniary interests of the parties.

The Earl of *Falmouth* agreed with the noble Lord who had just sat down, in the distinction which he had drawn between the hearing of Counsel merely on the principle of the Bill, and the hearing of them on those particular parts of it which affected individual interests. Why were the petitioners to be deprived of the right of being heard in opposition to the charges which had been brought against them? They were British subjects—they had a right to be heard; but, said the noble Viscount (Melbourne), " We have nothing to do with the charges contained in the Report—we legislate generally." That might be true enough; but in point of common sense and common reason, he asked, on what was the Bill founded? Was it not founded on the Report of the Commissioners, setting forth the very charges of which the petitioners complained? With respect to the evidence taken before the Commissioners, he could not speak of it with any patience. He had looked into that evidence, and he would venture to say, that a mass of grosser exaggeration and misrepresentation never disgraced the table of a legislative assembly. He was willing to accede to the proposition of limiting the opposition to the principle of the Bill to the argument of two Counsel; but he still thought that the petitioners had a right to be heard upon those points which affected their individual interests.

The Duke of *Newcastle* thought, that if the House wished to do justice to those whom it proposed to disfranchise, it ought first to hear them; and, in his opinion, the parties ought to be heard before the principle of the Bill was recognized by their Lordships, as it would be after the measure had been read a second time.

Lord *Wharncliffe* observed, that the last portion of the observations which had fallen from the noble Viscount at the head of his Majesty's Government, certainly held out a threat against the rights, privileges, and independence of that House. It was too clear not to strike every one of their Lordships, and he was sure it would be equally obvious out of doors. An attack was made by the Bill on the actual property of the Corporations who were affected by it; and, in his opinion, they had an unequivocal right to be heard in defence of that property. Delay was by no means his object, and he was quite aware that if Counsel were to be heard in every case, it would be a virtual defeat of the Bill. But he thought that they might all be called upon to state their cases, and that their Lordships might then determine what cases should be defended by Counsel. That would save the appearance of denying the right, and yet would not waste their Lordships' time. He rather wished that his noble Friend near him had postponed his proposition until after the second reading of the Bill.

The Earl of *Winchilsea* said, that nothing could have induced him to present himself to their Lordships that night, but his deep sense of the injustice and unconstitutional nature of the measure, which, if passed into a law, would affect all existing privileges, all property, and all existing rights, from those of the Crown itself down to those of the lowest subject connected with it. He could offer to his fellow-countrymen no stronger proof of his desire faithfully to discharge his duty by them, and to guard their rights and privileges, which were as dear to them as his own were to him (Lord Winchilsea), than his having been induced to appear among their Lordships that evening, and thereby showing the sincerity of the advice he had so often urged there and elsewhere—namely, that every Englishman must consider that the time had come when private feeling must yield to public duty. Never, in his opinion, had their Lordships, who stood the guardians of property and of the public peace, to discharge so important a duty as at present. From the bottom of his heart he could say, that if the Bill went only to the extent of communicating additional rights and privileges, upon constitutional grounds, to a great portion of his countrymen—if the measure, going further, went only to correct the abuses which had crept into the management of property, he would give it his most cordial support. He found, indeed, that these two principles were, to a certain extent, embraced in the measure, but it contained others to which he never could assent. He never could consent that any class of his fellow-countrymen should be deprived of privileges which were relatively of as much value to them as those he enjoyed were to himself. They were called too to alter the tenure of property, and they were asked to make this change without any other evidence excepting that of the Report laid on the Table—the Report on which the Bill was founded—the Report against the allegations in which the petitioners prayed to be heard. Allusion had been made to the 40*s.* freeholders; he had voted in their favour, and was therefore not acting inconsistently now in raising his voice in favour of justice, and a fair trial for the freemen. Certainly he should divide the House, unless the noble Viscount (Melbourne) pledged himself that he would not unnecessarily destroy any of the existing rights and privileges *in esse* or *in posse*. He had been anxious to record his opinions on this occasion, and was thankful to their Lordships for hearing him.

Lord *Brougham* thought, that something like the course which he was about to suggest might enable their Lordships to do justice without subjecting themselves to any undue imputations. It was founded on a precedent in 1808, when a measure having been brought into Parliament affecting the interests of five great trading communities, viz., Liverpool, Manchester, Hull, London, and Birmingham, those communities agreed to consolidate their claims, and to be heard by one counsel. He (Lord Brougham) was the counsel employed; and he remembered that he occupied only about two hours of their Lordships' time, and only about three hours of the time of the other House of Parliament. A similar precedent might be found in 1746, the year after the rebellion. What he suggested was, that the Bill should be read a second time, *sub silentio*, if their Lordships pleased; and that the Committee should be put off until a period when Counsel might be prepared to attend.

The Duke of *Cumberland* had no objection to such a proposition, if it were distinctly understood that their Lordships did not concede the principle of the Bill by acceding to it; but that the principle of the Bill should be still open to discussion on the Report, or on the third reading. He by no means wished for delay; he was only anxious that justice should be done.

Lord *Lyndhurst* did not understand that the petitioners wished to be heard by Counsel against the general principle of the Bill; he understood that they wished to be heard against the charges which the Bill contained against them. [Viscount *Melbourne:* There are no such charges in the Bill.] Why, the noble Viscount could not have read the Bill. "And, whereas, partly by defects in the Charters by which the said bodies corporate have been constituted, partly by neglect and abuse of the privileges by such Charters granted and confirmed to the inhabitants of the said cities, towns, and boroughs, and partly by change of circumstances since the said Charters were granted, the said bodies corporate for the most part have not of long time been, and are not now, useful and efficient instruments of local Government." Charges of abuse against the different Corporations, therefore, formed one of the foundations of this Bill. He understood that the parties now desirous of being heard by Counsel at the Bar did not wish to argue against the principle of the Bill, but to disprove these charges, and it was material that they should be permitted to do so, as the Bill did not apply to all Corporations. The petitioners said, that the evidence adduced in support of these charges was garbled—that they were desirous of exculpating themselves, and they prayed the House that they might be at liberty to bring forward evidence in support of their case. This was the petitioners' object, and to it he should call their Lordships' attention, in the hope that some understanding might be come to as to what Counsel it was necessary to hear. If the House should decide that Counsel were not to be heard against the principle of the Bill, then they ought to be allowed to reserve their observations to the going into Committee. One of the objections urged against hearing Counsel at the Bar on this Bill was, that so much time would be occupied by their arguments. Now, here was a great sweeping measure, affecting 240 Corporations. If only one of these Corporations were sought to be affected, it was admitted on all hands that in justice that Corporation ought to be allowed to defend itself, but now, on this sweeping measure, not one of them was to enjoy that privilege. If the House determined upon hearing Counsel, it would then be their Lordships' duty to decide as to what extent they ought to be heard. In the case of the borough of Coventry the petitioners did not wish to be heard against the general principle of the Bill, but solely for the purpose of disproving the charges brought against them. He had had some communication with those petitioners, and they had told him certain facts which, if they could be substantiated, would cover with disgrace a particular Gentleman, in whose Report the charges made against them were found.

The Duke of *Wellington* said, petitions had been presented from about six or eight Corporate bodies, wishing to be heard against this Bill by Counsel; and Bristol and Liverpool, as wishing to be heard against the Bill by their Recorders. If the House were pleased to accede to the proposition for hearing two Counsel on the whole case, the Bill might be read a second time now, and the Motion for going into a Committee be fixed for some day in the latter end of the week, on which day the Counsel might be called to the Bar.

Lord *Ellenborough* could understand how the different parties might agree to be heard by two Counsel against the general principle of the Bill; but could not understand how they could agree to be heard by two Counsel against its numerous and distinct details.

Viscount *Melbourne* rose to say a few words in explanation of the observations he had before made, and to answer the remarks of some of the noble Lords opposite. Their Lordships would recollect, that when he last spoke he had not heard the statement of the noble Duke, and all that he would now say, was, that several petitions having been presented, a noble Lord (Viscount Strangford) got up, and made a Motion that the petitioners be heard at the Bar by Counsel. He, therefore, contended that he was perfectly justified in saying that if noble Lords resorted to the same course on all the other petitions the present measure would be smothered. Such a course would have another effect. He had not addressed any threat to their Lordships, as he had been charged with doing, but he would admit that he had addressed a strong admonition — an admonition which he should always consider himself bound to address to their Lordships when he saw them likely to fall into that which he thought would be prejudicial to the House and prejudicial to the interests of the country. The noble Duke himself sometimes addressed very strong admonitions to him (Viscount Melbourne), respecting the course which he, as a Minister of the Crown, thought proper to pursue. He was always glad to receive, and he always received with the greatest deference any opinion of the noble Duke; but, at the same time, he thought he had a right to address noble Lords in the same strain of Counsel and advice. His opinion on this question still remained the same as he had expressed it at an earlier part of the debate. He could not deny but that there might certainly be cases on which Counsel ought to be allowed to observe, and if Counsel were to be heard at all, he was extremely anxious to agree to any feasible plan that might be come to on the subject. Counsel might be heard in behalf of those Corporations which had already presented their petitions, but could the House in justice merely confine itself to those? If it should so resolve all the other boroughs would be discontented, and say that they had just as good a right to be heard on the subject. He was perfectly willing to admit that the object of noble Lords' opposition was not to delay this Bill, but the carrying of the present Motion would certainly have the effect of procrastinating or impeding its progress. He again repeated that he was most anxious to come to an agreement on the subject.

The Earl of *Mansfield* said, that if the noble Viscount was only inclined to do justice, there was not the slightest wish on his opponents side for procrastination. But they contended, that in all cases in which the interests of individuals, or of communities were involved, no legislative measure ought to be adopted without, in the first place, affording the parties concerned an opportunity of stating and proving in what manner they were unjustly affected by it. The petitioners in the present case claimed to be heard against the Bill, not in its legislative character, but as affecting them in its details, which they characterized as partial and unjust. They declared that they had reason to complain of the ground on which, according to the preamble of the Bill, they were charged with neglect and abuse; and prayed to be allowed to defend themselves by Counsel against the imputation; nay, to support that defence by evidence; nay, to show also that the manner in which the evidence in the Report of the Commissioners had been obtained was irregular and partial. Under such circumstances he was at a loss to understand how their Lordships could say to Counsel, "You are at liberty to argue against the principle of the Bill, but you must not touch upon its details." Considering, however, that there was a Committee from the several Corporations now sitting in London, he thought that that Committee might advantageously compress their claims into a single statement, and then intrust the advocacy of them to two Counsel; and he hoped there would be no addition to the number of Corporations requiring to be heard by Counsel, although if there were, he could not see how their Lordships could impose any limit.

The Earl of *Harewood* could not see how it would be possible for Counsel to avoid touching on the particular interests of particular places. That would certainly lead to delay; but it would only be that delay which would be just, and which the Corporate bodies affected by the Bill had a right to expect. The House would, he was persuaded, do its duty by endeavouring to protect the people from a violent and unprecedented measure, required by no necessity whatever. With respect to what had been said by the noble Viscount respecting admonitions, it should be considered that an admonition from one noble Lord to another, and an admonition from a noble Lord—and that noble Lord at the head of his Majesty's Government—addressed to the whole House, were two very different things.

Lord *Plunkett* begged leave to refer the House to a precedent which had not yet been cited. The precedent of the Reform Bill had been objected to. It had been said, that in the present case the property was vested in individuals, and that on public grounds, the property being so vested, these individuals ought not to be deprived of it without being heard. He (Lord Plunkett) begged to refer the House to a case in which one hundred Corporations, which possessed property infinitely more valuable than that to be affected by the present Bill, had been actually disfranchised, not certainly by that House, but by the Irish Parliament, at the time of the Union—a Union which he trusted in God was to be considered as a final and irrevocable measure. In the case of the Union one hundred Corporations, sending two hundred Members to the Irish Parliament, were disfranchised, and none of them were heard by Counsel. Was not that a case in point? He should be glad to know why it was not a case in point, and why it was not a precedent? His noble Friend (Viscount Melbourne) had distinctly declared, that he had held out no threat, but the noble Earl who had just sat down, had been pleased to say that there was a great distinction between an admonition addressed to an individual, and an admonition addressed to a body of men. He confessed, that he could see no distinction between the two cases; and, humble an individual as he was, he thought he had a right to offer his advice whenever he thought it would tend to the good of his country. He had heard with great satisfaction the speech of the noble Duke, and that of the noble Lord opposite, who, however, were willing to recognize the unreasonable claim on behalf of the Corporators to be heard by Counsel. If such a claim were recognized, he saw no prospect of ever coming to a conclusion within any reasonable period of time. Every one of the boroughs to be affected by this Bill, as well as the borough of Coventry, would claim to have a right to be heard by Counsel, and an additional ground for complaint would be thus given, by refusing their petitions. It was said, that there were parties in town who represented the Corporations which objected to the Bill. If that were the case, what objection could there be to those persons naming Counsel to represent the whole of the Corporations? It would be said, that the arguments in favour of one borough would not apply to the others. That difficulty could be easily obviated by the Counsel making judicious arrangements by dividing their arguments into several heads, and by making the House understand that such observations had reference to such a class of boroughs. He did not desire, that the arguments should be confined merely to the principle of the Bill, but he thought that the Counsel ought to be permitted to touch upon particular points and facts, to show how and where they were in contradiction to the evidence on which the Report was founded.

Lord *Fitzgerald* said, that he had not expected, that the noble and learned Lord who had just sat down, would have drawn his arguments and based his proposition on certain Acts of Parliament which that very same noble and learned Lord had at one time described as the most indefensible of all the Acts of the Irish Parliament. He must repeat that he did not expect the noble and learned Lord would have had recourse to such a precedent. The noble and learned Lord had stated, that at the time of the Union, 100 Corporations were disfranchised, and that the Corporators were not heard by Counsel. Now, it perhaps might be sufficient for him (Lord Fitzgerald and Vesey) to show that no application was ever made to that effect. But, perhaps, it might be still more important for him to state that the measure was totally different from the present Bill. That measure was similar to the Reform Bill in principle, because it deprived a certain number of boroughs of the right of returning Members to Parliament; but no part of the enactment went to deprive the Corporations of their property, or to extend the Corporate rights to any individuals but those who had before enjoyed them. The noble and learned Lord would admit this to be the fact; but there was another circumstance which very easily accounted for the reason why the parties did notchoose to offer any opposition to that measure. Joining, as he did, in the prayer of the noble and learned Lord, that the measure of the Union would be final and irrevocable—and believing, as he did, that both for this country and for Ireland there was no hope for security, peace for the empire, respect for the Sovereign, or safety for the subject, but in the preservation of that Union, he most earnestly prayed that that measure might remain undisturbed; but, at the same time, he must remind the noble and learned Lord, that a sum of 15,000*l.* was given to every one of those Corporations—to reconcile them to their disfranchisement; and that in all probability would account for their not offering any opposition to the enactment in question. Having made these observations on the precedent cited by the noble and learned Lord as analogous to the question now before the House, he should only say, before sitting down, that he was most anxious that the petitioners should be heard in defence of their just claims; but if he considered this Motion only as a means of delay he should look upon such a means of defeating the Bill as most unworthy, and as a course to which he never would consent to be a party.

The Earl of *Falmouth* could not consent to confine the hearing to such Corporations as had petitioned. It should be remembered, that some of the Corporate bodies were three or four hundred miles off, and that some time would elapse before they could be apprised of what had occurred.

The Earl of *Wicklow* thought that their Lordships would not be called upon to attend to any further petitions which might be presented from Corporate bodies, praying to be heard by Counsel; because the measure had been so long in agitation, that the various Corporations whose interests were affected by it, had had ample time to petition the House on the subject. He took it for granted, that a majority of that House were sufficiently convinced of the necessity of some measure of Corporate Reform. It was, therefore, evident—the principle of a measure of Corporate Reform being admitted—that no arguments of Counsel could induce the House not to allow the Bill to be read a second time. Whilst, then, he expressed it as his own opinion that there was no necessity that Counsel should be heard on the principle, he felt bound to admit the fairness of the proposition which had been made, and which seemed to meet with the approval of both sides, that two Counsel should be heard on the principle of the Bill, with reference to the representations contained in all the petitions already presented. But he considered it perfectly consistent with propriety, and conformable to the rules of the House, to grant the prayer of the petitions already presented, with regard to hearing Counsel, without acceding to that conveyed in any other petition which might hereafter be presented.

The Marquess of *Londonderry* was of opinion, that they should first decide that Counsel were to be heard. After they had decided that, they might then determine as to the classification of the topics to which they (the Counsel) should address themselves.

The Earl of *Haddington* was by no means disposed to have his own discretion tied up, and he should be very sorry that their Lordships should be tied up by any pledge that they would not grant the prayer of any petition which might hereafter be presented on this subject to that House. It was, he thought, natural to suppose that questions might arise, fresh matter might be stated, and new views taken, which their Lordships would be perfectly justified in taking into consideration, though not touched upon in any petitions.

The Earl of *Wicklow* was not for shutting out the consideration of anything which might imperatively call for their Lordships' attention. All he had said was, that by granting to their full extent the prayers of the petitions which had been already presented with respect to the subjects to which Counsel should be allowed to address themselves, they would act in a way which was sanctioned by every principle of fairness and justice.

The Marquess of *Salisbury* perfectly concurred in the propriety of hearing only two Counsel with regard to the principle of the Bill, and hoped they would extend that indulgence as to the details of the measure, if a case of necessity were made out for their doing so.

Viscount *Melbourne* felt no hesitation in agreeing to the proposition that Counsel should be heard, it being of course distinctly understood that there should be a fair determination on the part of the House to proceed with the Bill as rapidly as possible, and to discountenance any unnecessary delay. The course, then, which he understood to be agreed to was this:—That on Thursday and Friday next, Counsel should be heard, with the hope that their speeches should be limited to these two days, and that on Monday the principle and details of the measure should be discussed on going into Committee.

Lord *Brougham* suggested, that the Motion of the noble Lord opposite, which referred merely to the borough of Coventry, should be withdrawn. With respect to the hour at which their Lordships should meet on Thursday, he thought twelve o'clock would be a good hour, though he himself had no objection to meeting at the earlier hour of ten o'clock. There was one other point on which he wished to say a word, as it might be imagined, from what had that night occurred, that he had in any way differed from his noble Friend (Lord Melbourne), or that he countenanced delay in the slightest degree by the proposition which he had submitted. The impression which he had originally formed was now, he found, turned into a certainty; for it was ascertained that the progress of the measure would be forwarded by the course now taken, because, instead of the Bill being now proposed for second reading, and the debate on it occupying to-night and to-morrow night, and the postponement of the Committee being (in consequence of the fatigue and weariness which would, no doubt, follow so protracted a discussion) determined to be moved to Tuesday or Wednesday, the Bill would, by the present arrangement, be committed as early as Monday.

The Duke of *Wellington* did not see that there was any necessity for his noble Friend's withdrawing his Motion respecting Coventry. He did not see that it at all interfered with the Motion that the Bill be read a second time. With regard to the second reading of the Bill, the course which should be adopted depended, of course, entirely on the feeling of their Lordships. If their Lordships wished that the second reading should pass without discussion, he had no objection to accede to that proposition, provided that it was clearly understood, that the principle of the Bill was not now agreed to, but reserved for discussion by Counsel. Without that reservation, he did not think it would be right to agree to the second reading of a Bill of such a nature, and not discuss the principle on which it was founded.

Lord *Alvanley* said, that he considered the discussion of the principle of the Bill for two days by Counsel would be a perfect waste of time, and derogatory to the character of their Lordships' House. Surely his noble and learned Friend opposite (Lord Brougham) and his noble and learned Friend (Lord Lyndhurst) were perfectly competent to argue the principle of the measure.

Lord *Brougham* assured his noble Friend that, submitting the proposition which he had laid before the House, he did so from no anxiety to hear the arguments of Counsel. He had quite as great an aversion to them as the noble Lord possibly could have. Indeed he might be fairly supposed to be more sick of them than his noble Friend, inasmuch as he had, during his life, heard a greater number of them. But a great number of their Lordships, and the parties themselves whom this Bill affected, did not feel satisfied that the measure should be taken into consideration without Counsel being heard. Therefore, it was that he had approved the suggestion with reference to the hearing of Counsel. He understood, however, that these Counsel should be allowed to make two speeches, which were not to be confined to the principle of the Bill merely.

The Motion of Viscount Strangford was withdrawn.

Corporation Reform — Second Reading.] On the Motion of Viscount Melbourne the Bill was read a second time.

The Duke of *Newcastle* then said, that he had a question to put to the noble Viscount opposite, which he considered of some importance. He was anxious to know whether the noble Viscount would have any objection to lay on the Table of the House, the Minute Book kept by the Court of Commissioners sitting in London. He had reason to believe, that the production of this Minute Book would relieve the House from the considerable difficulty arising from what he was going to call the blunders, but certainly from the mistakes contained in the Report of the Commissioners.

Viscount *Melbourne* answered, that the Minute Book was kept merely with a view of managing and directing the affairs of the Board. He could not, therefore, agree to the production of such a document.

The Duke of *Newcastle* observed, that he did not see why such a book should not be produced. There was a Clause in the Poor-law Act directing that a Minute Book should be kept, and all the proceedings of the Board should be entered into it. He wished to know, then, whether the noble Viscount would produce the Minute Book of the Corporation Commissioners. [Viscount *Melbourne*, "No!"] Well, then, let it go forth that the noble Viscount refuses to produce the document.

Bill to be committed.

## HOUSE OF COMMONS,

*Tuesday, July* 28, 1835.

Minutes.] Bill. Read a third time:—Colonial Passengers; Exeter Waterworks.

Petitions presented. By Mr. John Maxwell, from the Handloom Weavers of Kirkintilloch, for a Board of Trade, and for Relief.—By Mr. Sinclair, from Burntisland, against the Royal Burghs' (Scotland) Bill.—By Mr. R. Walker, from Haywood, against Drunkenness.—By Mr. D. Roche, from Limerick, for an Inquiry into the State of the Fisheries of Ireland.—By Mr. Stewart,, Mackenzie, from the General Assembly, and from Leith for more Extensive Means of Education in Scotland.—By Mr. Chisholm, from the Moderator and Synod of Glenelg, against the Aberdeen Universities' Bill.—By Mr. Grote, from the Shipwrights of the Port of London, and from a Public Meeting at the Crown and Anchor Tavern, for the Repeal of the Duty on Newspaper Stamps.—By Mr. Freshfield, from Hitchin and other Places, proposed to be united under the Poor-Law Amendment Act, Against any Compulsory Union.—By Mr. Edenson Heathcote, from the Postmasters on the Road between London and Edinburgh, against the present System of farming the Post-Horse Duties.—By Lord Castlereagh, Colonel Wood and Messrs. Plunkett and Longwood, from a Number of Places, against the Church of Ireland Bill.

The Bonding System.] Mr. *Baynes* referred to the proceedings of last Session on a measure for extending the Bonding System to some of the principal inland towns, and inquired of the President of the Board of Trade if it had been abandoned, or if it were intended to follow it up.

Mr. *Poulett Thomson* replied, that last Session he had been obliged to abandon the measure; but he had stated his intention of bringing it on again this Session. Circumstances, which were well known, had prevented his doing so early in the Session in his official capacity, and too much business of a different kind had since been before the House to afford him an opportunity. He was not in a condition to give the honourable Member any pledge for next Session, because he had not only met with considerable resistance to the plan from the out-ports, but he had found, in the inland towns intended to be benefited, a degree of lukewarmness for which he had not been prepared. They wished for a more extended measure than was consistent with his views of the question. He must therefore wait to ascertain what was the opinion of those places regarding a measure of a more limited character, before he pledged himself either way.—Subject dropped.

Hand-Loom Weavers.] Mr. *John Maxwell* brought forward his Motion respecting Hand-loom Weavers, observing, that his object was, to make the House acquainted with the result of the inquiries upon this subject by Committees in two successive years. He had no wish to offer any obstruction to the business of the House, but he should be deserting his duty if he did not bring forward a subject which involved the interests and almost the existence of a million of people. He should argue this question as a practical question, and would at once proceed to the consideration of the effect produced on the condition of the Hand-loom Weavers by the present system. He would take as an example the case of a very intelligent Hand-loom Weaver, who was examined before the late Committee of the House, and who was well qualified to give information on the subject. In showing how the system operated on the wages of labour, he stated that in 1797 his wages amounted to 26*s*. and 27*s*. per week, with which he could command 281 pounds of flour, besides all the other necessaries of life; whereas in 1834 his wages were reduced to 5*s*. 6*d*. a-week, notwithstanding he gave two hours additional labour a day, with which he could only command 81 pounds of flour, whilst all the other necessaries of life were burdened with an accumulation of taxes. This was the result of the two periods; and yet the price of corn was lower now than in 1797. A number of petitions had been presented from the Hand-loom Weavers on this question, in which they complained of bad masters, and of the effects of machinery. They stated that the present system was the result of a union between the middle and the wealthier classes at the expense of the working classes. Care was taken to protect the wealthy distiller against the importation of foreign spirits, but no protection was afforded to the weaver against the importation of foreign silk goods. The petitioners complained of the overgrown capitalists who go into the manufacturing districts, and advance money to the embarrassed manufacturer, who, by disposing of his goods at a reduced profit, if compelled to give the working man not the fair marketable rate of wages, but the rate which the capitalists choose to fix. This wretched policy forced the poor manufacturer to carry on his trade by a system of peculation and theft; and reduced the working man to so destitute a condition, that for want of decent apparel he was not able to attend Divine Worship on the Sabbath-day, nor to send his children to school. Nay, such was the chilling and demoralizing effect of poverty on the morals of the labouring man, that with the loss of the ability to do this he almost lost the inclination. In calling, however, upon the Legislature to amend the system which heaped such accumulated evils upon them, the Hand-loom Weavers did not ask Parliament to sacrifice any of the other great interests in the State. They did not desire that the House should take away the protecting duties from the landowner, the farmer, or the master manufacturers; all they asked was, that the House would enable them to support existence, by giving to them the same degree of protection given to all other classes. It had been said, that the Hand-loom Weavers ought not to expect the Legislature to put a restraint on the application of machinery for the sake of securing to a small class a higher rate of wages from a less perfect system of manufacture; and they had been told that they ought to abandon their trade, and seek other sources for the application of their industry. But where were they to seek them? The agricultural classes were already too numerous, so that you were actually sending them out of the country. Look at what was taking place at this moment in Buckinghamshire. Then with regard to the other trades, was it not well known that unions were formed, having for one of their objects the preventing of the increase of their numbers, inasmuch as they already suffered greatly from the competition to which they were exposed. They say to the Hand-loom Weavers, "You shall not come to us; for though we pity you, we cannot give you employment; if, therefore, we were to allow you to join with us, the inevitable effect would be to bring us down to the same wretched condition in which you yourselves are." There was, then, no place to which they could carry their labour. Their situation, therefore, was a most melancholy one. Overburdened with taxation from which other nations were free, they were, nevertheless, for want of that legislative protection which other trades enjoyed, placed in competition with the foreign manufacturer, and also in competition with the power-loom machinery, which was capable of a four-fold production beyond the labour of the Hand-loom Weaver. When the Legislature saw all the evils produced by this peculiarly anomalous system—that of legislative protection extending itself to all classes except to that class among whom it was most required—the labouring poor—he thought it would appear to the Legislature as being only in consonance with justice and common sense, that the oppressed Hand-loom Weavers should be allowed to try the benefit of that system, the adoption of which they now sought. He was aware that his hon. Friend opposite (Dr. Bowring) was opposed to this sort of reasoning. But the views of his hon. Friend on this subject were in some degree derived from that extensive and benevolent feeling which embraced as its object the well-being of all mankind under the principle of an entire freedom of exchange. But until his hon. Friend could succeed in the removal of all those other obstructions to the full operation of that principle—such as the Corn-laws, and other protecting duties, to which he believed his hon.

Friend was strongly opposed, he (Mr. Maxwell) thought that his hon. Friend was bound to give to this humble class of men the same protection which those duties afforded to the powerful and wealthy portions of the community; and whose wealth and power were chiefly created by that uncertainty of prices which was occasioned by the competition of capital that always pressed down the working man to a starvation point. The hon. Gentleman then quoted from a statement made by a person who had been a weaver for forty years. He stated that he formerly could earn 26*s.* and 27*s.* a-week, but that now he was not able, with the most strenuous exertions, to earn more than 5*s.* 6½*d.* and he looked forward to a period when he should fall under the operation of the New Poor-law system. This he felt he did not merit. He was a loyal man, and had always been strongly attached to his King and country; and he then exclaimed "England, with all thy faults, I love thee still!" Although these were the feelings of this person, was it not expecting too much that all should feel this respect for laws which so much oppressed them? The hon. Gentleman proceeded to quote several passages from the evidence given before the Committee, to shew that the Hand-loom Weavers were in a state of great distress; that this distress was caused by excessive taxation, and that they were not all disposed quietly to submit to their privations. Adverting to the effect which poverty wrought on the minds and morals of the labouring classes, he observed, that it was not merely by providing new churches that they could reform the morals, or correct the habits of men, but it was by rendering them less dissatisfied with their condition, and inducing them to respect the laws, from a persuasion that they were protected and not oppressed by them. But the imposition of taxes on all the necessaries of life weaned the minds of the labouring classes from the Government and the laws. When a rise took place in wages in consequence of the increased price of provisions, the inevitable effect was, to put the Hand-loom Weaver out of employment by the introduction of machinery, in order that the manufacturer might avoid the payment of that increased rate of wages. According to a statement in the *Edinburgh Review,* no less than one-third of the revenue of the productive classes was swallowed up by taxation. What, therefore, with the terror and apprehension which the monied interest inspired, and from the inability to cope with the machinery, the small capitalists engaged in hand-loom weaving were gradually taking their capital out of the country. It was with the greatest difficulty at the present moment that those capitalists who still carried on that manufacture could realize the smallest rate of profit. If this were the fact, as he was assured it was, all the doctrines of the hon. Member for Middlesex about the accumulation of capital fell to the ground. You might accumulate capital to any extent, but if you could not give it profitable employment it was no advantage to the country in which that capital existed. Another evil arising from the destitution of so large a class of the people was the great increase of crime. Last year the House was called upon to increase the salary of the Scotch Judges, and one of the arguments used in support of that proposition was, that the Judges had a great deal more work to perform now than formerly. The Committee had recommended certain means of relief to be given to the Hand-loom Weavers, which, however, he should hereafter be able to prove was not at all adequate to remedy the distress that existed. He was aware that some persons looked with a degree of apprehension to a measure which had for its object the regulation of wages between the master manufacturer and the working man. They thought it was too great a change to introduce. They preferred leaving the matter to be adjusted by the parties who were more immediately interested, and said that a desire to stand well with their neighbours would induce the master manufacturers to act more liberally towards their workmen if they were left to themselves, than they would do if interfered with by the Legislature. But in opposition to those views of the subject he preferred relying on the Report of the Committee, upon which the Bill he wished to introduce was founded, and to the principle of which only four of the Members of that Committee objected. If the House would allow him to bring in this Bill, and ultimately pass it, they would be doing the greatest service to the poor man, and would be contributing to the safety, honour, and welfare of his Majesty and of his dominions, by creating and firmly cementing a union between the middle, upper, and lower classes of this country. The hon. Gentleman concluded by moving for leave to bring in the Bill.

Lord *Dudley Stuart* had risen with the hon. Baronet, the Member for Renfrewshire, for the purpose of seconding the Motion of the hon. Member for Lanark—a Motion which he was induced to hope would not meet with the opposition of his Majesty's Government. He had been anticipated in that satisfaction. He thought that when the Government and the House considered that the subject to which the Bill proposed by his hon. Friend had been referred by the House itself to a Select Committee, they would agree in thinking, that it would be very hard to refuse to sanction the introduction of a Bill founded upon the Report of that Committee. When it was also remembered that no less than 800,000 of his Majesty's subjects earned their scanty and miserable subsistence by the trade of weaving, and were in the distressed condition which had been proved, could the rejection of their petitions, praying that which the Select Committee by their Report had recommended, be justified. This suffering portion of the community deserved well of the Legislature, inasmuch as up to a certain period they had borne their deep privation with patience, and for a great many years conducted themselves under their sufferings with great propriety. Their morality had only suffered injury by the want of those means which could afford them physical strength, and which want in the weaving districts had produced the most squalid wretchedness. It was not enough, nor could it be consolatory to tell these suffering classes, that they themselves must continue to bear their present distresses, but that by reduction of taxation their grand-children, or their great-grand-children, three generations hence, would be relieved, and that therefore the Legislature would be justified in leaving the miseries of those now living unmitigated and unredressed. It was only by relieving their distresses that their respect could be secured to the laws and institutions of their country, for if they found that by those laws and institutions they were not protected, was it to be wondered at that they should be guilty of some transgressions? Was it, in short, surprising that when by honest industry, by work night and day, not excepting in some cases Sundays, they were unable to maintain themselves and families even in health, that they should resort to pilfering? For this state of things the Government had called for a remedy to be devised; the remedy had been devised, by the labours of a Select Committee appointed by the House itself, and he trusted that House would not, without consideration, prevent that measure being introduced. On the contrary, let the House consent to its introduction, and when it came before it, endeavour, if possible, to improve its principles or details. He would not undertake to say, that he should approve of all the details of the Bill, but he supported its introduction in the hope that it might prove a measure of amelioration to the wretched but deserving classes whose relief it contemplated. In this country the capital of the rich man was protected, and he was at a loss to know why the poor man's capital—his labour—should not also be equally protected. However correct might be the principles of theoretical advisers, the House was bound practically to afford such a measure of relief as that now proposed. It was right that he should observe, that of all the numerous witnesses examined as against the principle of such a Bill, only two had expressed their dissent. In conclusion, he hoped the House would consent to the introduction of a measure, and to the Motion of his hon. Friend he gave his full and entire support.

Mr. *Poulett Thomson* called upon the House to reject the Bill of the hon. Member in its very first stage, principally for the sake of those whose interests were so loudly advocated on the other side. It was not because Government were disposed to underrate the state of suffering in which, according to the Report of the Committee, these men were placed—it was not because Ministers were unwilling to do all they could to alleviate the distress of the weavers, that they would at once reject the Bill of the hon. Gentleman, but because they were satisfied that the sooner the delusion it was calculated to create was put an end to the better; and next, because, upon the hon. Gentleman's own showing, so far from his proposition being advantageous to the parties whose cause he advocated, they would be the very persons who would suffer most from it. If their distresses were heavy now, they would be aggravated in a tenfold degree after the passing of the Bill. To the very principle of the Bill—the establishment of a *minimum* of wages—he had ever been opposed; and the principle was one which had been disavowed even by many Members of the Committee. The Committee—to the appointment of which he had been opposed — had examined a variety of witnesses, whose evidence filled three large volumes. Who had read them, or what effect had they produced? If the questions had been shorter, indeed, and the answers longer, they might have had some effect; but as it was, he could not help thinking that they had not proved very beneficial. In the Report, the Committee assigned five causes for the existing distress among the hand-loom weavers. 1. The increase of machinery. 2. The oppressive taxation occasioned by the war. 3. The increased pressure of taxation occasioned by the alteration of the currency in 1816, 1826, and 1829. 4. The exportation of British yarn, and the competition created thereby; and 5. The competition arising out of low profits. As a remedy for these various causes of distress, the Committee recommended fixing a *minimum* of wages. Why, how could the fixation of a *minimum* of wages by possibility act as a remedy for any one of them. Was it possible for the Government of the country to fix a rate of wages? Was it possible that the labour of man should not be free—that the capitalist, who wished to employ a labourer, should not be at liberty to make a bargain with him for money, which he could pay and the other receive? Was the labourer to resort to the Board of Trade, or to a tariff of prices for his remuneration? Giving every credit to the benevolent feelings of the Gentlemen who originated and supported the Motion, he thought it was a species of legislation, which —putting entirely aside the other results that must inevitably flow from it—would neither reflect credit upon its authors, nor confer benefit upon those for whose improvement it was introduced. The establishment of such a system would be an act of tyranny, inducing those who were rendered subservient to it, to break the law, and leading to results the extent of which no man could foresee. Did the hon. Member know on what dangerous ground he was proposing to legislate? Was he aware of the extent to which it might be carried; or had he forgotten that the principle of fixation of wages, if applied to one branch of trade, must ultimately extend to all? If they regulated the wages of labour, they must also regulate the price of every article sold.—[Mr *Maxwell:* "No!"]—Were they then to regulate the wages of labour, and not the price at which the article is to be sold? He would tell the hon. Gentleman his principle would be ten times more oppressive on the man who had labour to sell, than on him who had money to buy. Talk of philanthropy, and protecting the rights of the poor! Why, so far from the measure being a protection to the poor, it would rob them of the just and right fruits of their industry. These were his views of the measure proposed, and he had yet to hear any argument founded on the benefits which were likely to result from it. He had embraced with pleasure and eagerness, every opportunity of conversing with many of the Hand-loom Weavers themselves respecting this plan, and he had never found that where the matter was fairly argued, and where representations of the real state of the case were made to them, they had either refused to listen, or to own that their previous impression on the subject was erroneous. In calling on the House to oppose the proposition now offered to it, he was content to rest upon the grounds he had already stated. He was satisfied that, by acceding to it, they would continue a delusion which could not be too soon dispelled; and that they should certainly lose no time in determining the question whether Parliament would legislatively fix a rate of wages or not. Without troubling the House any further, he placed the matter in their hands. Without any disrespect towards his hon. Friend, the Member for Lanarkshire, and yielding to him, and those who thought with him, his tribute of praise to the benevolence and purity of their motives, he called upon the House to resist this first proposition, which had been made for a series of years, to interfere with the rate of wages, and by at once expressing a decided opinion against it, to put an end to all such attempts in future.

Mr. *Gillon* observed, that the Committee to which the right hon. Gentleman objected, had been appointed by the Reformed House of Commons, who, by arriving at that conclusion had evinced some feelings of sympathy and compassion for a large and distressed portion of the community. The right hon. Gentleman was unwilling that the question should be investigated. He talked of tyranny and an interference with the wages of labour. Why, did the right hon. Gentleman know that the course adopted by many employers at present, threw the labourers as much out of the free market of labour, as if they were the serfs of some feudal chieftain? And yet this was the state of things to which the right hon. Gentleman told them he was not disposed to apply a remedy.—[Mr. *P. Thomson* had not expressed an unwillingness to apply any remedy.]—Then what remedy would the right hon. Gentleman consent to? Would he come forward and suggest any other remedy? Would he support a grant of money to those individuals? They had voted away, two sessions ago, a sum of one million to the clergy of Ireland. Did the right hon. Gentleman mean to tell him that this industrious and distressed class of men were not as worthy objects of a grant of money as the clergy of a sinecure Church? Parliament had voted a sum of twenty millions to the West-India proprietors to remove the obloquy of slavery. He called upon the right hon. Gentleman to propose a grant of twenty millions to the Hand-loom Weavers. He would be most happy to second the proposition. The right hon. Gentleman laboured under some misapprehension, in supposing that the present proposition was intended as an ultimate remedy for the distress complained of. He was not aware that such was the intention of his hon. Friend the Member for Lanarkshire. It was only intended as a palliative of the evil. They must look to a commutation of the taxes which pressed so unjustly and so unequally upon the labouring classes of the community, and prevented the man-machinery —to use the cant phraseology of the day— from coming into fair competition with the artificial machinery. They must do this— they must revise the whole system of taxation—they must reduce the debt before they could hope to relieve any extensive distress effectually. The object of his hon. Friend's Bill was to take the power of fixing the rate of wages out of the hands of those who were disposed to grind down the labourer to the last extreme, and to place it in the hands of respectable and opulent manufacturers. The plan now proposed, had been petitioned for by numerous members of the body who were now the objects of commiseration; it had been supported by a great many respectable manufacturers themselves, who had stated that it was not only their inclination, but their interest to support it, as they had suffered material losses on their stock in trade by unprincipled individuals entering the market, who screwed down the labourers to the lowest *minimum* of wages, and produced their articles at the cheapest possible rate in consequence. He should like to ask the right hon. Gentleman, when he talked of tyranny, whether it were possible that these unfortunate men could be exposed to any system of tyranny so heart-breaking and degrading as that to which they were now subjected? He had said, that by resisting that proposition he meant to protect a starving population. Really it appeared to him (Mr. Gillon) that all the protection the hon. Gentleman was disposed to afford them, was leave to starve as best they might. They might come to the parish, said the right hon. Gentleman. And supposing they did, would they be reduced to a worse condition than that in which they were at that moment placed? Numerous respectable witnesses had stated before the Committee, that in many instances these men worked fourteen or sixteen hours a day without earning half wages enough to keep them. He thought it much better that their labour should be equalized, and that, even if they obtained no greater amount of labour on the average of the year, they should work a smaller number of hours out of the four-and-twenty. The effect of the present system was, that the artisan by working a great number of hours at one time, and producing a good deal at one period, occasioned a glut in the market, and thus entailed upon himself the consequences of the acts of his cruel and mercenary employer. The property of the Hand-loom Weaver in his labour, was as worthy the protection of Parliament, as any other description of property. Of what value were the millions of the fundholder, or the extensive machinery of the cotton spinner without this productive labour? The hon. Gentleman, with the view of showing the state of feeling among the Hand-loom Weavers themselves, proceeded to read a letter from one of them. The writer stated in effect, that when they found all their complaints and representations to the Legislature were unavailing, their spirits would sink, and their only consolation would be looking forward to the day of reckoning. He had a wife, and five children under eight years of age, with no hand to provide for them but his own; and many more among them were in the same situation. Now, he would ask the House, what claim the country possessed to the allegiance of these men, if the Government resolutely and obstinately refused to take their case into consideration? What gratitude could the Government expect, when it afforded them no protection? What reverence, when they were only reminded of its existence by penal statutes? What respect could they be supposed to have for fiscal regulations, the effect of which avowedly was, to increase the enormous wealth of the rich, and to extract the greatest possible amount from the poor? What allegiance could they be expected to bear to a country, which, instead of holding out to them the fostering hand of protection, like a kindly parent, arrogated to itself, like a cruel stepmother, the right of binding them down to misery and starvation? Was this a state of things which it was possible to perpetuate? If they were not to apply some remedy to such evils as had been complained of, let him ask the right hon. Gentleman, and let him ask the Members of that House, for what purpose were they assembled there? Was it that those walls should be made the arena of a protracted party struggle, instead of being a spot where the means of promoting the comfort, the happiness, and the welfare of the people should be always studied. Were they sent there by their constituents for the purpose of party ascendancy?—or, were they not rather returned to Parliament for the noble and benevolent purpose of protecting, fostering, and promoting the best interest of the industrious classes of the people? Rather than that such a state of things should continue, it would be better that the House should discontinue to meet — that the Speaker should leave the Chair—than that they should continue to practise such a miserable delusion upon the people, as that of meeting there under pretence of providing for the general interest and good of the country, and allow such a crying grievance as that suffered by the Hand-loom Weavers to go unredressed.

Mr. *Clay* opposed the measure, because it was absurd that the House should be called upon to protect men against themselves, which was the whole meaning of the hon. Member's Bill. It was impossible to compel men to work, and the Hand-loom Weavers could combine to any extent to raise their wages. The fact was, that the circumstances under which the Hand-loom Weavers were placed, put it beyond the power of the House to afford them a remedy. One of the witnesses examined before the Committee, stated that for the trade of hand-loom weavers, neither strength nor skill was required; the consequence of which was, that numberless swarms of workmen flocked to it. But in truth, the Hand-loom Weaver was not much worse off than other labourers. By means of their own labour, and that of their families, it appeared that they could earn about 25*s.* per week, which was more than could be earned by the agricultural labourer. He did not think that the remedy proposed by the hon. Member would have the desired effect. In his opinion the Bill, if passed, would seal the ruin of the persons for whose benefit it was intended. Upon these grounds he felt bound to oppose the introduction of the Bill.

Dr. *Bowring*:*—Sir, as a Member of the Committee, and disagreeing, *in toto*, with the Report, and the recommendations which have been introduced to the House by the hon. Member for Lanark, I venture to submit a few observations to your attention. I should be sorry if it could be supposed that in views so erroneous as those which have been adopted by a majority of the Members who were present when that Report was framed, any large number of Members of Parliament could concur. Sir, the Report represents the opinions of fifteen Members of the Committee, the majority out of twenty-five who were present when that Report was adopted, ten having voted against it, of whom I was one. A very large majority of those whose names appear as on the Committee, never attended at all—and the result, after all, is, that of sixty-seven Members of which the Committee is composed, fifteen only have concurred in the Resolutions submitted to the House. The Resolutions have in their progress been considerably modified. There were on that Committee hon. Gentlemen whose consistency I very much honour, whatever opinion I may form of their policy, who would have willingly grappled with all the difficulties of the Question. They would have taxed machinery—they would have debased the currency; and they were right: for if the Resolution is to do nothing more than Mr. Fielden's Bill proposes, all that it will effect will be to withdraw capital from hand-loom weaving, to give a new premium to the power-loom, and thus infallibly to degrade and distress the hand-loom weavers, more and more. The hon. Member for Falkirk would have removed the fatal competition of machinery by visiting it with such heavy imposts as should make manual labour as cheap, or cheaper, than that of the machine; he would have relieved all debtors of a certain extent of responsibility, and all creditors of a certain amount of wealth; he would thus have compelled some sacrifices from the rich to the poor—and he was willing to push his views to their full consequence. I may agree with him that much is to be done—that much ought to be done—for the labouring community—though exceedingly unwilling to concur in his proposition for their relief, or to recognize as remedies what would be only aggravations of the evil. I should have been glad if the Report had made any, even the slightest, reference to many of the really valuable suggestions and facts which were elicited in the course of the inquiry. The relief which had been given by the transfer of many hand-loom weavers to power-loom weaving—the recommendations that the weavers should be instructed in those arts connected with their trades—the establishment of economical tribunals for the settlement of disputes between masters and men—the oppressive character of our taxes on industry and on consumption—were worthy of more special notice. And I cannot but observe, in passing, that the public money has been employed in committing to print in that Report some of the most intolerable nonsense that has ever been uttered. What will the House think of schemes gravely propounded for negotiating with foreign countries, in order to induce them to put a heavy export duty on the raw materials which our manufacturers consume, and of opinions which have calculated that our foreign trade has been carried on at a loss of millions to the nation? It is to be regretted that the public purse should be drawn on for the printing, publishing, and circulation, of trash like this, Sir, I feel it most peculiarly my duty to give my opinions on the subject of this Bill, and the grounds of those opinions to the House. I have a large body of hand-loom weavers among my constituents, who have petitioned in favour of the regulation of wages by Boards of Trade, and the Town Council of Kilmarnock has expressed views favourable to their introduction. I differ from those whom I highly respect, and to whom I am deeply indebted, and though I do not mean to vote on the Question at all (in deference to the wishes of my constituents), yet as I took rather an active part in the discussions in the Committee, and as I am known to hold opinions wholly opposed to those of my hon. Friend, the Member for Lanarkshire, I feel it incumbent on me to justify my conduct to the House and to the community. And I am the more strongly compelled to this from the language that was held during the recent sittings of the Committee, in which those who opposed Mr. Fielden's Bill were menaced with exposure, and even told that they should be published and denounced by name to the world, as hard-hearted and unfeeling men, who had no pity for the poor, who did not sympathize with their misery, nor were willing to relieve their distress. Sir, I never uttered a word in that Committee which I am not ready and desirous of repeating here, or before the world. I do not consider those as the best friends of the people who encourage the delusions of the people. I should despise myself, and deserve to be despised by others, if I allowed myself to be swayed against my better judgment—against my experience—against all facts and all reasonings—to do legislative mischief, or to encumber our Statute-book with useless and dangerous laws, merely because they are asked for by those whom they will not relieve, while they recognize the most dangerous of principles—that a man is not the master of his own labour—that his labour is not his own property—but that he must hold it to be disposed of on terms which others shall fix for him. There are many hon. Members who say, "We know the hand-loom weavers are wrong—we know these Boards of Trade will do them no good; but let them be indulged—let the experiment be made—they will soon see their error." Sir, I cannot so act. I will not, for the sake of dissipating a delusion, introduce a bad principle; I will not create false hopes, or legislate for error instead of truth. Where are such laws to stop? Give them to the hand-loom weaver, you can deny them to no part of the community. Acts of Parliament must establish all wages of all professions. If a master wants to hire a servant, he must submit to a tariff established by law. You must go from manufactures to agriculture; you must decide what shall be paid for every ploughman, every hedger and ditcher in the land. Are hon. Gentlemen prepared to carry out their principle?—or do they at once shrink from its absurdities? It was to be hoped, Sir, that the inquiries and Resolutions of former Committees would have put the proposal of establishing fixed *minimum* tariffs of wages at rest for ever. I do not know that I can do better than read to the House, *verbatim,* the Report of the Committee of 1808:—"Your Committee are unanimously of opinion, that the proposition stated in the said petitions, for fixing a *minimum* price of labour in the cotton manufacture, is wholly inadmissible in principle, incapable of being reduced to practice by any means which can possibly be devised, and, if practicable, would be productive of the most fatal consequences. Your Committee has also resolved unanimously, after mature deliberation, that any legislative interference, for establishing an uniformity of prices, would tend to aggravate the distress which it is the earnest wish of your Committee, and must be of the House, to alleviate or remedy." The Committee which sat for three years afterwards, in 1811, are not less decided in the Report which they presented to this House. They say, "That to arrest the progress of improvement and of facilities for abridging labour, would be to put forward grounds, which, in former periods were equally strong against the loom itself; and that the proposed measure would infringe on personal liberty in that most essential point, the free exercise of industry, of skill, and of talent. They are of opinion, that no interference of the Legislature with the freedom of trade, or with the perfect liberty of every individual to dispose of his time and labour, in the way and on the terms which he may judge most conducive to his own interest, can take place without violating several principles of the first importance to the prosperity and happiness of the community—without establishing a very pernicious precedent, or even without aggravating, after a very short time, the pressure of the general distress and opposing obstacles against that distress being ever removed; or, if the interference were extended to all trades and occupations, as it manifestly must be when the system has been acted on in any, without producing great public mischief, and bringing destruction of the happiness and comfort of individuals." In these views, so strongly and emphatically put, I wholly concur. I do not deny —it is impossible to deny—the existence and the frequent occurrence of severe distress among the hand-loom weavers. Their condition is most deplorable. And while I feel that it is the duty of Parliament seriously and thoughtfully to take this subject, or any other subject of public suffering, into their consideration—while I claim for others, and for myself, as strong a title to be considered as friendly to the labouring many, as is demanded by the advocates of this Bill—while I assert, that their sympathies for the industrious poor are not stronger than mine, nor their desire to relieve them more intense—I venture to pronounce that, by-and-by, when reflection and instruction shall have made their way, a very different judgment will be formed by the weavers themselves, from that under which they are now acting. I will recall to the House some few facts elicited before former Committees, showing that this distress of the weavers has been but of too frequent occurrence—and I think I can show that it is an inevitable condition of a species of labour easily learned—and constantly intruded on and superseded by cheaper means of production. A very short cessation of demand, where the competition for work is so great, and the workmen so multitudinous, produces a crisis. The hand-loom weavers are on the verge of that state beyond which human existence can hardly be sustained, and a very trifling check hurls them into the regions of starvation. The Committee of 1818, asserted that the silk-ribbon-weavers were suffering great privations and distress. Witnesses then stated, that a warper could only get 3*s.* 6*d.* per week, and a weaver 4*s.*—that ordinary weavers were only paid 5*s.* 6*d.* a-week. Now, if the price of food at that period be considered, their distress must have been extreme; and the same or similar details have been brought out at every investigation. In 1826, the silk-weavers were stated to have earned on an average only 5*s.* 6*d.* per week; and the Hand-loom

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* From a corrected report.

Weavers' Committee have had it given in evidence, that in certain districts not 3*s.* 6*d.* per week was paid to the weaver. To deny their right to commiseration would be as thoughtless as cruel. I do not deny it. I only implore a fit attention to the remedies proposed. No one can shut his eyes to the great changes which the improvements of machinery have introduced into the whole field of manufacturing industry, improvements which, by superseding manual labour more and more, infallibly bring with them in the transition much of temporary suffering. The condition of the man who has to compete with a cheaper, better, or more rapid mode of production, must be deteriorated. The national good cannot be purchased but at the expense of some individual evil. No advance was ever made in manufactures but at some cost to those who are in the rear; and of all discoveries, the power-loom is that which most directly bears on the condition of the hand-loom weaver. He is already beaten out of the field in many articles; he will infallibly be compelled to surrender many more. I hold, Sir, in my hand, the correspondence which has taken place between the Governor-General of India and the East-India Company, on the subject of the Dacca hand-loom weavers. It is a melancholy story of misery as far as they are concerned, and as striking an evidence of the wonderful progress of manufacturing industry in this country. Some years ago the East-India Company annually received of the produce of the looms of India to the amount of from 6,000,000 to 8,000,000 of pieces of cotton goods. The demand gradually fell to somewhat more than 1,000,000, and has now nearly ceased altogether. In 1800, the United States took from India nearly 800,000 pieces of cottons; in 1830, not 4,000. In 1800, 1,000,000 pieces were shipped to Portugal; in 1830, only 20,000. Terrible are the accounts of the wretchedness of the poor Indian weavers, reduced to absolute starvation. And what was the sole cause? The presence of the cheaper English manufacture, the production by the power-loom of the article which these unhappy Hindoos had been used for ages to make by their unimproved and hand-directed shuttles. Sir, it was impossible that they could go on weaving what no one would wear or buy. Numbers of them died of hunger; the remainder were for the most part, transferred to other occupations, principally agricultural. Not to have changed their trade was inevitable starvation. And at this moment, Sir, that Dacca district is supplied with yarn and cotton cloth from the power-looms of England. I will ask the advocates of Mr. Fielden's measure, whether his Bill, or a thousand such Bills, would have kept up wages in Dacca, or have prevented one iota of the calamities which there had but one possible remedy, a change of occupation? The language of the Governor-General is, "European skill and machinery have superseded the produce of India. The Court declare, that they are at last obliged to abandon the only remaining portion of the trade in cotton manufactures, both in Bengal and Madras, because, through the intervention of power-looms, the British goods have a decided advantage in quality and price. Cotton piece goods, for so many ages the staple manufacture of India, seem thus for ever lost. The Dacca muslins, celebrated over the whole world for their beauty and fineness, are also annihilated from the same cause. And the present suffering, to numerous classes in India, is scarcely to be paralleled in the history of commerce." Ordinary hand-loom weaving is, perhaps, the lowest grade of manufacturing industry. In many districts, it is scarcely more highly paid than common field labour. So little experience is required, that in our manufacturing towns the new settlers, and especially the Irish, speedily learn it. An ordinary loom costs little; and as soon as a man can throw a shuttle, he has some resource against starvation. As women and children easily learn to weave, they increase the competition. The demand being always great, so is the supply. The number of labourers is immense; and when "bad times" arrive, the consequences spread over an immense number of operatives. There is a peculiar cause of permanent distress constantly in action—I mean the Corn-laws. Hon. Members may fancy that, as we do not import corn, the Corn-laws are wholly inoperative; but I think I can show that the consequences of the Corn-laws, their mischiefs, their injuries, are far more wide than would at first appear. I can demonstrate, as I imagine, that they are the cause of the low wages of our artisans in general, and of the Hand-loom Weavers in particular. Their removal, which I believe would do no injury to the agricultural, would vastly benefit the manufacturing and commercial interest. Their removal would bring with it a general rise of wages. We export fifty millions sterling of manufactures. Does anybody imagine these are not affected in foreign markets by the price of foreign corn? Does any one suppose that they have not to suffer in value from the fact of their having to meet as rivals with goods produced in countries where the price of corn is lower, and the average of wages less, than any in England? Does anybody believe, that if prices and profits fall abroad, that the rate of wages at home will not fall, and the power be diminished of consuming British corn? We have forced many countries to manufacture, because we have refused to take their corn in exchange for our manufactures. We have thus done two foolish things. We have kept down the prices of their corn by refusing to consume their surplus produce, and in keeping down their prices, have given them great advantage over us in their rates of wages, and consequently in their manufactured productions. We made them manufacturers, and then enabled them to manufacture on the most advantageous terms. We have to meet them as rival manufacturers everywhere, created originally by our own illiberality, and furnished with constant advantages over us by the continuance of a narrow policy. If we took the surplus produce of corn-producing countries, which is only a few days' consumption for Great Britain, I believe it would be consumed in consequence of the increase of prosperity, in addition to our own average growth, prices would be generally levelled, wages would rise in the manufacturing countries on the Continent, and we should possess all the advantages of superior capital, superior machinery, superior activity, and the benefits of a longer experience. The Corn-laws press with peculiar hardness on the hand-loom weaver; very large portions of the articles he produces are exported to foreign lands, and have to undergo the severest competition there. For as foreign manufacturing countries have succeeded best in producing those articles in which wages form a considerable part of the cost of production, and machinery a small portion, they are enabled to manufacture such, as cheap or cheaper than the English prices. Hence a constant decline; hence, again, a lowering of wages in England. For the price of corn abroad does, in fact, determine the rate of wages here, inasmuch as we have to meet the foreigner in most of the markets of the world. If the price of corn were levelled, as must be the case whenever there is a free-trade in corn, English Hand-loom Weavers would have nothing to fear from competition; as it is, they have nothing to hope. Whatever may be our opinions as to the cause of the evil, it is right that we should lend an attentive ear to the opinions of the petitioners who have appealed to the House, for relief from acknowledged distress. Now what is the principal grievance of which the Hand-loom Weavers complain? It is of that which cannot be changed by legislation, for legislation cannot destroy human interests and human passions; it is of competition. They say their distresses are caused by dishonest and heartless competition. But so long as man is man, so long as he wishes to obtain the supply of his wants on the cheapest terms, so long as he desires to drive the best bargain with his fellow, so long will competition exist; and the tone and temper of that competition will be determined by the various characters and positions of those engaged in it. The more suffering there is among the weavers, the keener will be their competition for work; the more demand that exists for labour among the manufacturers, the more eager will be their competition for hands. Competition is only another word for demand and supply. Without it, trade would be smitten with death. But does Mr. Fielden's Bill destroy this competition? Not at all. It introduces another and a new source of competition; we have now the competition of individual against individual; it would add to that, the competitions of district against district. It would be running a race at fixed rates of wages in every locality, but varying one with another, and all regulated by law. It would give to two or three manufacturers the power of combining at any time to reduce wages by the legal machinery of his Bill. They might, by an understood arrangement, and at a given time, lower wages, lower the price of goods, and, were the Bill operative at all, make it operative by increasing the distress of those it professes to relieve. But I know very well it would not be operative. There is an elasticity in the transactions of commerce, a powerful tendency in all matters of trade to regulate themselves, which sets legislation at defiance. If Mr. Fielden's Bill could be made efficient, it would be far more a handle in the hands of masters to oppress, than a security in the hands of labourers to resist oppression. But it cannot be made efficient; one single weaver without work, and all the machinery of the Bill is shaken. But what if a hundred, what if a thousand are out of employ? Does any body fancy the Bill will then keep up wages? Let the table of prices be fixed at 10*s*., and the starving weaver find employment at 9*s*. and no employment at 10*s*., which is the price fixed, will he take the 9*s*., or will he stand out and perish? Everybody knows what the result would be; the hon. Member himself knows full well. Again, let the price be 10*s*., and let there come an active demand for goods; let all the weavers be engaged at 10*s*., and who will say that the law will keep them at 10*s*. from the moment when a master finds it for his advantage to offer 11*s*., and can get fair profit on 11*s*.? The regulation of rates of wages, at given periods, is a chimera; they may, they must vary, from time to time, according to the state of the markets. Establish rates to-day—the fairest, the best arranged—they will be inefficient for to-morrow; one article rises in demand, another falls; your tariff will be soon found too high for some, too low for others. Besides, there are a thousand ways of evading them. The infinite varieties of length, breadth, and quality offer abundant means of escaping and defeating any regulations you may establish. Such regulations always have been leaped over or turned aside, and always will be. They will be respected by the honourable man, against whom you do not want them, and whom you ought not to embarrass by them; but the pettifogger, the interloper, the grasping and hard master, those, in fact, for whom you intend them, will laugh them to scorn. Experiments enough have been made to bring experience to confirm what reason would anticipate; and if there seem any instances which prove that Boards of Trade and high wages exist together, sure I am the high and sustained wages are not attributable to any table of prices, or to any similar cause. I believe combinations, well devised, among workmen, may raise wages by restricting the supply of labour. I do not object to such combinations; I think they are the right of the artisan; they are legal, they are useful. But what I contend for is, that no table of prices ever kept up wages, for any long period, when there was an excess of hands or a want of work. The highest wages exist where there are neither Boards of Trade nor tables of prices, but where the artisans are few and the labour plentiful. Let the facts, however, be looked into. They had, by the common consent of masters and men, fixed tables of prices in Coventry. Now, what is the evidence given before former Committees? Why, that they were no sooner established than abandoned; that they were found to check nobody. Mr. Gregory states, that the table of prices were not conformed to for a week, though agreed to by all the respectable manufacturers. The Spitalfields' weavers, I know, are very desirous of establishing the old and vicious state of things that existed formerly in that district. They now say they prospered under it. I am persuaded a calm investigation into the facts will show that the state of the weavers in Spitalfields has been, on the whole, far more satisfactory since the Spitalfields' Acts were repealed than before. At the present moment, I am assured there is general employment among them. Who can have forgotten the frightful distress into which that district was frequently plunged under the old system? Who can have forgotten the narrative of privations, of sufferings, of death from starvation, and the many tales of misery, which periodically pressed themselves on the public attention? Who does not remember the processions of squalid and ragged silk-weavers, whose pitiable case excited so general a sympathy, and who were relieved by public subscriptions and personal interferences? How could it be otherwise? What led to the repeal of the Spitalfields' Acts but the conviction that they were destructive to the trade itself? Before they were repealed, a large amount of the trade had quitted the neighbourhood. That was inevitable while the rate of wages which the tariff established was so much higher than the rate paid at Manchester and elsewhere. Had the Acts continued a short time longer, the trade would have abandoned Spitalfields altogether. Nobody will contend that this consummation would have been favourable to the weavers. How could it be otherwise? It was proved that the price for weaving bombazines in Spitalfields was 2*s*. 6*d*. per piece above the Kidderminster price; that for bandanas, from

4*s.* 8*d.* to 5*s.* 3*d.* was paid in Spitalfields, and at Manchester 3*s.* to 3*s.* 6*d.* When an attempt was made to introduce tables of price at Macclesfield, the trade went to Manchester. It is the natural, the necessary course of things; trade will escape from trammels. I may, however, particularly refer the House to the last and most remarkable attempt to regulate wages by law. As I had the opportunity of seeing, with my own eyes, the extent of suffering with which Lyons was visited during the late insurrection, I may be allowed to mention some of the circumstances. The misery, the bloodshed, the devastation of property, the sacrifice of life, of which Lyons was the scene, had their origin in an attempt to establish a *minimum* tariff of wages. When discontent was at its height, when the Government was hourly afraid of the outbreak of the labouring population, the Prefect of Lyons sanctioned a meeting of the representatives of the weavers and of the manufacturers, and a tariff was fixed on, after a thorough investigation of the then state of the trade; which tariff, being recognised by the authorities, became the law. What was the consequence? A week did not pass before it was violated. Masters refused to give the prices recognised for some articles, and offered higher prices for others. On all sides there was an interest in violating the tariff, and it was violated. Those who observed it very naturally complained to the magistrates of those who disregarded it. But how could the magistrates force masters to give work to the operatives? Many of them said they could not afford to give the tariff prices. They gave out no work; some of them offered work at terms below the tariff; many of the weavers consented to take work on lower terms. The magistrates were again called in, but their interference led to general confusion. Hands were dismissed, work could not be found, the distress widened, and the exasperation with it. The weavers insisted on their rights, rights now established by law; they assembled in large bodies, they armed themselves: the consequences are too well known. The weavers obtained possession of the town, commerce was paralyzed, the Prefect was dismissed by the Government for want of firmness, sanguinary combats took place, the tariff was overthrown by the interference of the Government, and, I may add, by the universal conviction that its consequences had been most baneful. The trade of Lyons has received a shock from which years will not recover it. Thousands of weavers were forced to exile themselves, and to seek other employments. Does any hon. Member desire to witness similar scenes of wretchedness in England? Yet here the experiment was made, and made on a grand scale; here were *minimum* wages established under the sanction of the law; here was the principle which has been contended for, pushed to all its consequences, and bearing all its natural fruits. Let it not, however, be supposed, because I object to the particular form of relief which is solicited by the petitioners, and recommended by the hon. Member for Lanark, that I am, therefore, unwilling to suggest and to support what I consider the practicable and the desirable changes in favour of so valuable a part of the population, as are the Hand-loom Weavers. The hon. Member has indulged in a passing glance at my opinions on the great and imposing topics of free-trade. Sir, it is true I hold that if nations, instead of pursuing a narrow, selfish, wretched policy of alienation and jealousy, would endeavour each to turn to friendly account the aptitudes of the rest, if they would act on the motives to love instead of the motives to hatred, if they would draw on the various sources of profit and pleasure that each offers to the other, if the duties and the demands of brotherhood were more habitually thought of and more constantly recognised, very much, indeed, of present evil would be got rid of—very much, indeed, of future evil would be prevented. But I did not intend to enlarge on this. There are some immediate and practical results to which I hope this discussion will lead. I trust it will induce the Hand-loom Weavers, when any fair and proper occasion presents itself of seeking and finding profitable employment, to embrace it. The power-loom is invading, successfully invading, their territory. They cannot stand against it in any department, where it comes immediately into competition with them. We heard in the Committee, that the position of many of the weavers had been greatly bettered by being attached to power-loom manufactures. Anything to encourage this sort of transfer is undoubtedly to be desired. There have been emigrations of agricultural labourers to districts where there was a want of power-loom operatives. The demand had far better be supplied by the Hand-loom

Weavers, who may be considered already as half-trained to the work. I do not think that better advice can be given to the Hand-loom Weavers, than to seek all fair occasions of abandoning a trade which must be more and more invaded, and in which the average rate of wages will necessarily be lower than in almost any other handicraft labour. Something may be done for the improvement of the condition of the Hand-loom Weavers, especially in the silk-trade, by instruction in the arts of design. The study of drawing, the production of patterns, the combinations of form and colour, may give much added value to the labour of the loom. In France, a weaver of taste can always obtain higher wages than an ordinary workman. Such a class is much wanted in this country. They should be encouraged where they exist, and created, if possible, where they do not exist. I think, too, if a tribunal were established by law, something like the Council of Prud'hommes in France, that it would be a very valuable instrument for the settlement of disputes between master and workmen, for the recognition of the copyright of patterns, and for the cheap and prompt adjudication of the manufacturing questions which arise in different localities. They might be charged with the publication of tables of prices, not compulsory prices, but such as are generally paid. Such tables would have the effect of regulating usefully the price of labour; they would soon bring about average wages; they would, by instructing weavers where work was plentiful, and where work was slack, tend to prevent some of the many inconveniences and uncertainties which grow out of the present state of things; they would instruct every body; they would coerce nobody. With these views, I am sorry to be compelled to dissent from the proposition of the hon. Member for Lanarkshire, as leading to nothing like practical or substantial good.

Mr. *Richards* thought, that his Majesty's Government took the line dictated by true wisdom and policy, in opposing the introduction of this Bill. The speech of the right hon. President of the Board of Trade had given him great satisfaction. The principles laid down by him were consistent with those of political economy, and would stand the test of experience. He hoped, that the hon. Member would not persist in his Motion.

Mr. *Hesketh Fleetwood* was of opinion, that the Hand-loom Weavers knew what was best for themselves, and that their demands ought to be complied with. He felt bound to advocate the interests of that class of persons, and to endeavour to place them on the same footing with other classes. That House represented the property of the country, and it ought to advocate every measure calculated to benefit the working classes. The hours of labour of the Hand-loom Weavers ought to be lessened, in order to afford them time to cultivate their minds, which would be one great means of ameliorating their condition. He denied, that the wages which the Hand-loom Weavers received, were sufficient for the sustenance of themselves and their families; and he, therefore, thought it hard, as their distress was admitted on all hands, that a measure like the present, which was intended for their relief, should be met by a direct negative. He was disposed to consider, that the low rate of wages given in this branch of trade arose more from home than foreign competition, and this he thought was proved by the fact, that in all other trades in which unions existed among the workmen the rate of wages was kept up. The Hand-loom Weavers were without any protection whatever, and as he thought, that they were entitled to the favourable consideration of that House, he felt great pleasure in giving his best support to the present Bill.

Mr. *William Williams* (Coventry) said, that as the House had been so long engaged in the discussion of this question, he would not have trespassed on its time if he did not feel a deep interest in the welfare of this meritorious class of artisans, from whom he had derived, in a variety of ways, so much benefit. He could not help expressing his surprise, as well as regret, at the right hon. the President of the Board of Trade, opposing the introduction of the Bill, without even knowing its contents. Committees of that House had, both last year and this year, devoted a great deal of time in investigating the deep distress which had been stated to exist by upwards of 112,000 petitioners. Both those Committees had reported to the House, that the deepest distress did exist, and had recommended some legislative enactment for its relief. The President of the Board of Trade had completely mistaken the object of the Bill in stating that that House was called upon to establish a *minimum* of wages, when, in point of fact, the Bill suggested by the Committee placed the power of regulating the wages in the hands of the manufacturers. Other hon. Members had fallen into the same error. Therefore, in order distinctly to understand what relief the Bill proposed, the only method would be to allow its introduction, when its merits would be fairly before the House and the country. He thought this was due to the Committees who had recommended it, as well as to that numerous and distressed class of artizans who looked to the House for relief with the greatest possible anxiety. If a legislative enactment, as had been contended by some, could not effect a remedy for the distress, which was on all hands admitted, let the House at least allow the Bill to be introduced; and as those distressed weavers were intelligent men, he was sure they would be the first to express their concurrence in such an opinion if it could be made manifest to them. The introduction of the Bill would at least show a desire to attend to their complaints and to relieve their distress. His long experience had satisfied him that the deepest distress had at numerous periods, been produced by an unnecessary and uncalled for depression of wages, and he could not doubt, that a Bill might be framed, so as at all events to mitigate their present acknowledged state of destitution.

Mr. *Labouchere* regretted, that the statement made by his right hon. Friend (Mr. Poulett Thomson) had not been satisfactory to hon. Gentlemen opposite. It was the duty of the Members of that House to watch over the permanent interests of all classes of the community; and they were also bound to resist any proposition having apparently for its object the removal of distress, but which was likely to be injurious. This should be done even for the sake of those whom they were anxious to benefit. He lamented as much as any one the state of distress in which this meritorious class of persons was placed; but if they passed a Bill like that now proposed, instead of alleviating, they would aggravate their misery. The very introduction of the Bill would excite delusive hopes, and would on that account alone be highly injurious. However much the matter might be disguised, the truth was, that the whole end and object of the Bill was to endeavour to establish a *minimum* of wages, which he need hardly say would fail in the end, and would be productive of the most pernicious consequences. He sympathized with this class of persons in their distress; but he could not bring himself to consent to the measure which was now proposed as a remedy.

Mr. *Emerson Tennent* could not but regret the course which the right hon. President of the Board of Trade had adopted upon this occasion, in opposing altogether the introduction of this Bill. Although he (Mr. Tennent) could not agree in all the opinions expressed by the hon. Member for Lanark, he still felt it his bounden duty to give his support to the Motion. He could bear testimony to the fact, that the picture drawn by the hon. Member for Lanark, of the existing distress among the Hand-loom Weavers was even below the reality. He could well remember the once flourishing condition of this most extensive class in the town and district which he had the honour to represent (Belfast), where their number amounted to some thousands. He remembered when the quarter they inhabited was remarkable for its neatness and order; he remembered their whitewashed houses, and their little flower gardens, and the decent appearance they made with their families at markets, or at public worship. Those houses were now a mass of filth and misery, and their families clad in rags, were ashamed to appear in public. At the time of which he spoke, a weaver in Belfast could earn from 15*s.* to 25*s.* a week by eight or ten hours' labour, but they could now only earn from 3*s.* 10*d.* to 6*s.* though the whole family laboured from fourteen to sixteen hours a day, — they had seen ruin progressively gathering round them, but their conduct had been peaceable, submissive, and resigned; and in 1826, several hundreds of them, fathers of families, had actually submitted to break stones for the public roads at 10*d.* a day. The only question for the House was, this evil being proved to exist in all its frightful enormities, whether it were prepared to try this or any other remedy for their relief? He wished the question to have a fair discussion, as well with the hope of discovering a case for the existing distress as to show the weavers that their cry had not arisen in vain to the Legislature for inquiry and redress.

Mr. *Hume* contended, that the only

result of the Bill would be, to excite delusive hopes of relief, which never could be realized. He had opposed the appointment of the Committee on this subject on the same ground as he should now resist the introduction of the Bill. It appeared to him to be a monstrous absurdity, in the present day, to introduce a measure which had indirectly for its object the establishment of a *minimum* of wages. Some relief would be afforded by the reduction of taxes, and by the repeal of the Corn-laws; but he hoped, in the course of a short time, the great body of the persons now in such distress would turn themselves to other occupations. One hon. Gentleman, however, admitted, that although he did not expect much from this measure, he should vote for it; but he considered, that the great remedy of the distress would be altering the standard. He was sure, that the House would not countenance a measure which was likely to create delusive hopes, and had for its ultimate object the lowering the currency. These persons had a right to complain of some laws, and especially the Corn-laws; but instead of demanding that, they called for a remedy, which, if granted, would be highly injurious to them. If they took the course which the hon. Mover recommended, they would drive away the capital at present employed in trade and increase the existing distress. They might compel the manufacturers not to employ men at the low rate of 5*s*. 6*d*., and oblige them to pay not less than 6*s*. 6*d*.; but was it to be supposed, that they could force the public to pay the additional charge? And if not, what became of the manufactories, and of those now employed in them? It was impossible to fix a *minimum* price of wages in a country in which the commercial transactions were so numerous and extensive as in this. He would ask any commercial man to say whether a *minimum* price of wages would not be fraught with mischief? The men of Coventry had suffered much—indeed, he did not know any who had suffered more—by an attempt to fix a *minimum* price of wages. On the same mistaken principle, the men of Macclesfield had destroyed machinery on its introduction, and what was the consequence? Why, the trade had gone from them. He was ready to vote for a removal of the Excise duties on manufactured articles, for a commutation of taxes, or for a Property-tax, because he thought, that such measures as these would afford substantial relief. He wanted to see every man remunerated for his labour; but he thought it cruel to encourage the delusion which he considered this Motion calculated to perpetuate.

Mr. *Robinson* said, the distress of the Hand-loom Weavers was admitted; it was also unquestionable, that the principle on which the Motion was founded, was opposed to the sound principles of political economy; but the present application was made because there appeared to be no other remedy for the evil. He confessed, that it was most absurd to seek to fix a *minimum* price of wages. At the same time he would ask, had not the House already imposed a *minimum* price on corn —a *minimum* price on the food of the people? He was prepared to vote for this proposition to-night, unless his Majesty's Government would tell him that they knew of some other mode by which the evil would be redressed.

Mr. *Baines* said, that the hon. Gentleman, who had just sat down, described the proposal to fix a *minimum* of wages as most absurd; yet he concluded his observations by saying that he would support that most absurd proposition. What would be their situation next year if they made the concession now asked? The agricultural labourers would next come forward to put in their claim. They were equally distressed—indeed he might say more so, because the families of the manufacturers contributed their work to the general fund, but the agricultural labourer had to work for his whole family. He thought there were means by which the Hand-loom Weavers might relieve themselves. The present practice was for the heads of the various families to educate their children in their own trade, and thus they themselves increased the amount of competition. What they should do was as much as possible to relieve their trade by bringing up their children to other employments.

Mr. *Fielden* supported the Motion in a speech of considerable length, in which the hon. Member dwelt much on the depreciation of the wages of weavers; but his speech was quite inaudible.

Mr. *Mark Phillips* was opposed to the principle of this Bill, because he did not consider that it was likely to meet the difficulty or remedy the evil complained of. As to any other measures which the case called for, he did not think his Majesty's Government could with any justice be blamed for neglect, when the most zealous advocates of the distressed artisans could propose no more reasonable measure than the present. He believed, if any Bill to establish a *minimum* of wages were passed, the result would be the entire stoppage of manufacture, wherever the Bill was brought into application. It would, therefore, aggravate, instead of alleviating the distresses under which the Hand-loom Weavers already laboured.

Mr. *Maxwell* said, he should feel it to be his duty to press the Motion to a division.

The House divided on the Motion: Ayes 41; Noes 129—Majority 88.

*List of the* AYES.

Alsager, Captain
Arbuthnot, General
Archdall, M.
Attwood, M.
Attwood, Thos.
Boldero, Captain
Bolling W.
Brotherton, J.
Brocklehurst, J.
Campbell, Sir H. P.
Cayley, E. S.
Cole, Viscount
Dykes, F. L. B.
Euston, Lord
Fielden, John
Finch, G.
Fleetwood, H.
Forbes, G.
Hallyburton, Hon. D.
Hardy, John
Hayes, Sir Edward
Jackson, Sergeant
Lewis, D.
Lowther, Colonel
Lucas, T.
M'Cance, J.
M'Kinnon, W. A.
Pigot, R.
Plunkett, Hon. R.
Robinson, G.
Ruthven, E.
Ruthven, E. S.
Scholefield, J.
Speirs, A.
Stewart, Sir M.
Stuart, Lord D.
Tennent, E. J.
Wallace, R.
Williams, W.
Wood, Alderman
Young, G. F.

TELLERS.

Maxwell, J.
Gillon, W. D.

PAIRED OFF.

Wakley, Thomas (for)
Bowring, Dr. (against)

TURNPIKE TRUSTS.] Mr. *William Alexander Mackinnon:* In the Motion that I am about to submit to the House, I can assure you, Sir, there is nothing whatever of a political nature. The subject is one of considerable importance, and requires most urgently the attention of the Legislature. Gentlemen here assembled are bound to promote whatever has a tendency to increase the facility of communication in the country, to promote its welfare and augment its resources. We are sent here by our constituents and are assembled to deliberate and to consult the interests of the great empire, the population of which we represent, not solely to be occupied in contention for political supremacy or to espouse the cause of contending parties. This question, Sir, would not have been taken up by me if any other Member of this House or of the Government had expressed a willingness to undertake it. My noble Friend, the Member for Westmoreland, has so much benefited his country by the measure he brought forward of consolidating the trusts and roads round the Metropolis, that he would have been perhaps the fittest person to be in the Committee which I am about to ask the House to grant, to consider some of the most important points relative to the management of the Turnpike Trusts of the kingdom. In furthering this measure I trust I may obtain the support of Gentlemen belonging to both sides of the House, I feel satisfied they will not oppose a measure that may prove beneficial to the community, merely because it originates with a Member who does not always coincide with them in political opinions. I find since I gave notice of my intention to make this Motion that a Member of his Majesty's Government has expressed a desire of supporting the principles which I recommend by introducing a Bill into this House relative to the consolidation of Turnpike Trusts. It is not my wish that any statement made by me should be taken for granted unless supported by such evidence as cannot be refuted. I will, in as concise a manner as the nature of the subject will admit, lay before the House my reasons for this Motion, and briefly state the most important points that I am desirous of bringing under the notice of a Select Committee for their attentive consideration; the great amount of debt, the number of small trusts, and the manner in which the roads are managed, and also the mode of collecting the revenues for the road by tolls, I say tolls, because, statute labour and composition ought, of course, to be abolished, are not such as can be tolerated in the present day, and are entirely at variance with the wisdom and policy that ought to guide the management of such an important cause of the national wealth and prosperity as the means of communication are in this country. The House and the public, perhaps, may not be aware, that the amount of debts incurred by the several Turnpike Trusts amounts (speaking in round numbers) to nearly nine millions, the gross income about 1,500,000*l.*, and the expenditure rather more, and like the debt yearly increasing. Assuming, as a matter of course, that both statute labour and composition might be abolished, I will place the points for the consideration of the Committee as follows:

1. The expediency of consolidating the management and revenues of several small trusts into one trust not exceeding 150 miles.

2. The policy of raising a revenue by some other means than by tolls for the support of the roads.

3. The possibility of establishing a highway police over the turnpike roads of the kingdom.

4. The eligibility of having a central board of Commissioners in the Metropolis, to control the financial department of the several trusts, but not to have any executive power whatever over the roads as to the management; which should continue as at present, in the hands of the Trustees.

Now with respect to the first of these points, the expediency of consolidating small trusts. It may be necessary to observe to those Gentlemen not acquainted with the subject, that in many parts of the kingdom there are several small trusts not averaging more than eight or ten miles of road, each having a separate set of Trustees, Clerks, Surveyors, and Treasurer, and other most expensive machinery, the length of the turnpike roads is 19,798 miles and the number of trusts 1,119. The evidence before the Lords' Committee states that round the town of Stamford there are seven or eight small trusts, each having a set of officers and most expensive machinery; these several trusts have all separate meetings and separate management, and thereby incurs a most heavy and unnecessary expense as well as injury to the roads from want of union and co-operation. The same appears to be the case at Winchester, and in many other places. The disadvantages arising from these petty trusts are great. From the evidence, it appears that nearly 200,000*l.* a-year, is expended in salaries to the officers, in stationery, in various other charges which by a consolidation could be nearly done away. Another disadvantage is, that these small trusts as they now are established bid against each other for materials. From the evidence of Sir James M'Adam, it appears, that before the union of the roads round the Metropolis, the price paid for road materials brought by sea, was nearly double the price paid at present. There is no competition in the market when the consolidation is effected, and consequently, the supply is obtained at a lower rate. Another very important advantage arising from consolidation would be the saving of a high rate of interest paid for money borrowed. At present if a small trust requires the loan of a sum of money, the amount required cannot be obtained much under 5 per cent from the smallness of the income and the uncertainty of collection. Now, if a consolidation was effected, no reasonable doubt can be entertained that if a loan was required money might be obtained at from 3 to 4 per cent. Another point also which is of importance under a consolidation, horse labour might be saved and manual labour substituted in its place, by men wheeling the materials. In the evidence of Sir James M'Adam before the Lords, that gentleman states, that he has substituted manual labour for horse labour in the large trusts, not only at a saving of expense, but also to the satisfaction of the labourers, who invariably prefer wheeling the materials to carting them, even if to be taken to some distance. At a period when by the great increase of machinery so many hands are put out of employment, any measure that may give employment to the poor without additional charge on the public purse appears to me most desirable. Under these circumstances, Sir, when there does not exist one reason for continuing the present small trusts, but on the contrary, every advantage on the other side, I confess, Sir, I am at a loss to imagine why such a change should not be effected. The plan I would propose is not to consolidate the trusts into 150 miles, in one straight line which would render it most inconvenient for the trustees to attend, but to unite them round a town radiating like a star, each radius not to exceed, say twenty-five or thirty miles. If any further argument were necessary so shew the expediency of the measure, the following extract from the Report of the Lords' Committee may be stated to the House.

"The Committee have not failed to observe, from the evidence adduced, the great benefits that have arisen from the consolidation of trusts round the metropolis. One of the greatest evils in the present road system is the number of trusts, as well as their limited range and extent. The Committee would, therefore, recommend every consolidation of trusts which their localities and other circumstances will permit." Mr. Irish, in his evidence, states, not only that 200,000*l.* a-year is expended in salaries, &c.; as I have already stated, but that double the amount of manual labour might be employed under a better system, and yet the funds be economized.

The next point to which I would desire

the attention of the House, is the policy of raising some other revenue for the roads than by tolls. The inexpediency of a revenue by tolls will be evident on a little reflection. The number of toll-gates is nearly five thousand. A great proportion of the gates in the kingdom may be said to average an amount of toll of, say from 120*l.* to 160*l.* per annum, take the mean, and say 140*l.* is paid by the public at a toll-gate. How much of this sum goes into the Treasurer's hands? The expense of a toll-collector cannot be estimated at less than 12*s.* per week, which is 31*l.* 4*s.* per annum. The profit made by the lessee 10*l.*, and take the repairs and rent of the toll-house at 5*l.*, a moderate sum: the total to be deducted is 46*l.* 4*s.* from 140*l.* leaving only a balance for the trust of 93*l.* 16*s.* Thus we perceive that nearly one-third of the tolls paid by the public are lost to the Trust of the roads, it does not even find its way into the hands of the Treasurer. It appears further by the evidence to which I have so often alluded, that near large towns where the tolls are considerable in amount, certain individuals form themselves into companies, and rent tolls in a large district to a very considerable amount. Would any men of capital engage in such a speculation unless the profit was considerable, and whatever profit they make in such a speculation is so much loss to the public. Turnpikes have been established in England for a considerable time, and it is only since the year 1767 that the roads have been in a tolerable state, their present state, therefore, cannot be attributed to the turnpike system, but to the wealth of the country. Let any one consider the exact number of horses and carriages kept in this metropolis for luxury and pleasure, scarcely any of these pay any toll from one week to another. I am fully aware of the trite remark, that the repairs of the road ought to be borne by those who use them. In answer, I should say, that every individual in the community is benefited by communication, and that he pays, either himself directly, or by money indirectly for their maintenance, by an additional per centage on his goods and parcels, or by the travelling of some member of his family; and to him it matters little, or, indeed, to any man in the community, whether he pays for the roads in one way or in another. Whether a rate on horses and carriages used for pleasure might be substituted for tolls, or a rate on all inhabited houses of above ten pounds rent, is not for me to have the presumption of stating to the House, but I leave it to the wisdom of this Assembly for consideration. At any rate, it cannot but prove more agreeable to the mass of the community to pay so much less annually in the shape of a rate, than to pay one-third more in amount in tolls. For example, supposing that any individual, either in or out of this House, pays annually in tolls 15*l.*, surely it would be better if that individual paid only 10*l.* in a rate, and certainly it would be less troublesome and annoying. The toll system ought to be abolished, and the country freed from such an impost entirely. I will only trouble the House further on this point by giving them the following extract from the Lords' Committee: "It appears that combinations have been successfully organized to defeat the provisions of the Act of George 4th, with respect to letting tolls." We next come to the consideration of the establishment of a highway police over the roads of the kingdom. Gentlemen, must bear in mind that although the lower classes are better educated, and, in general, I believe that less crime is committed on an average than formerly, yet from the great facility of communication and increase of education and intelligence, the lower classes can combine together with more facility, and are, therefore, more powerful, and more likely to be aware of their strength by means of combination. As long as the wages of labour are adequate to their support, they, the mass of the agricultural and manufacturing population, remain quiet, but should any change in the value of the circulating medium, as in the price of provisions, cause them to suffer privations to which they are unaccustomed, great dissatisfaction would naturally arise, and that Government is sleeping on a barrel of gunpowder that does not, by all the means it may command, suppress crime of every description, and also prevent the escape of criminals from justice or their acting with impunity. Of late years the crime of arson has been prevalent in the country, and may occur again. No means seem so effectual to check such a recurrence as the formation of a rural or highway police, placed like constables, under the entire control of the local Magistracy, and established under a well-organized system. Such a police would effectually check smuggling into the interior of the country, and prove useful in many other ways not necessary to mention here, and if any illicit distillation was practised, nothing better could put a stop to the practice. Those men have deserved well of their country who have established the police-force in the metropolis. The boon has not yet, perhaps, been duly appreciated, yet every one must admit the additional security to persons and property since the police-force has been established and made effective. Admitting that a consolidation of roads can be effected, I think that men of good character, working as labourers on the roads, could, on being sworn as constables, be placed under the same control, though not exactly under the same system of management as the police in the metropolis. The present is not the time, nor is this the place, to enter into any details on such a subject, I will only throw out the idea, and repeat to the House a sentence of the Select Committee of the Lords, in the following words: "The measure of employing permanent milemen with occasional labourers on the roads has combined such indisputable advantages that the Committee submit such a system might be rendered contributary to objects of general security." In what I have here suggested, therefore, I am only developing the idea thrown out by an able Committee, headed by a well-informed noble individual, who has bestowed much time and patience on the subject, and to whom, should the measure now submitted to the House ever be carried into effect, the country will feel much indebted.

The next point for the consideration of the Committee I propose to ask the House to grant is one which I believe, is inseparable from the Question of a consolidation of the trusts, or, indeed, of any of the measures which I have proposed, and without which I do not see how it would be possible to carry any of them into effect. It is far from my intention to propose any Commission that would be the means of taking any power out of the hands of the local authorities or Trustees, or Sessions, or of making any Commissioners responsible and acting as they thought fit about roads or their revenues. The example of France, and the state of their roads prove clearly the impolicy and insufficiency of the entire administration of the roads being under the orders of the Government; and in England, where you have the advantage of a county Magistracy of the most enlightened and superior description, and where so many active country gentlemen are found who promote with zeal every object that may benefit the community, the intention of placing the management of the highways under the Government would be quite preposterous; yet I think, that to prevent the needless waste of money in some trusts, the undertaking of roads as private jobs in others, and to enable a rich trust to advance money to another in want of assistance, that the Committee may discuss the eligibility of establishing a Central Board of Commissioners to control the financial department of the several trusts in the kingdom without possessing any executive power whatever, the Trustees to retain all the power, but only the state of the finances and the expenditure to be submitted to this Board of Control, but the country gentlemen to exercise their functions of Trustees as at present. Before entering into any remark on the expediency of such a Board, I will just give the House the words of the Lords' Committee in one sentence. "All the witnesses who have been examined to that point concur in recommending a system of general control over the management of the roads of the kingdom." It must be apparent to every one present that the suggestions which I have proposed in the observations already made cannot be brought to a satisfactory termination without Commissioners, two only of whom might be salaried, the others might be honorary. Those receiving remuneration might be paid out of the large saving that would accrue from the improved system of managing the road funds. The advantages of such a Board are apparent; they would, by assisting the funds of a poor trust from advances made by one more wealthy, prevent the recurrence of those shameful jobs, and improper system of management which the evidence already so often alluded to has disclosed. Considerable saving in interest would arise, as it appears that most trusts now pay five per cent. for money borrowed, whereas, under a Board of Control, all trusts might obtain loans at three and a-half, or not higher than four per cent. I have now, Sir, submitted to the House the outline of the plan that I would lay before the Committee, which I now ask the House to grant me for that purpose. However, Sir, in moving for such a Committee I am not so visionary, or so much enamoured, or engrossed with the subject and plan proposed as not to foresee very great, if not insuperable, difficulties in the way of an entire alteration of the present system. The opposition will be from the Treasurers, Clerks, Solicitors, and other officers of the small trusts who will not relish giving up emoluments and perquisites of more than 150,000*l.* a-year. The objections and arguments against a change or any alteration, will be without number, and unless the Government lend a powerful hand in support of the measure, there is not the slightest chance of its being carried into execution. Before I sit down I will, for a moment only, intrude further on the attention of the House to observe that speaking in round numbers and assuming the debt to be nine millions, and at 5 per cent, the interest 450,000*l.* a-year, if the interest is reduced to 3½ per cent, 135,000*l.* a-year would be saved to the public. If to this be added the amount saved by a better system of management of the funds under a board, and the economy in the expenditure when a consolidation takes place, and if (which I can scarcely hope ever to have accomplished) another mode of obtaining a revenue for the roads is adopted either by a rate on houses or some other means, I think I am not exaggerating when I assert, that a sum not far short of half a million annually might be saved to the public with a far better management of the roads and a more extensive use of the labouring population than is now in demand for that purpose. A most intelligent surveyor has stated his opinion as follows:—"It appears to me that an arrangement might easily be made by Parliament for the direction and control of all trusts, and for the gradual amendment of road affairs, which would save half a million a-year to the nation besides gradually paying off the existing debt and securing good roads every where." In the present state of the agricultural interest, I think that Gentlemen connected more particularly with that branch of national prosperity ought to support me in a measure that would lighten the burthens of the farmer, by abolishing statute labour and composition, a system of little service to the roads, and equally troublesome and vexatious to the landed interest, a plan that would lay the burthen of keeping the roads in order on the wealthy part of the people and on the community at large, and in many ways, unnecessary to repeat here, improve the high ways, promote the wealth and stimulate the industry of this great empire.

Mr. *Fox Maule* was of opinion, that there had already been sufficient inquiry by both Houses of Parliament upon the subject of consolidating turnpike trusts. He had Bills before the House for the regulation of turnpike trusts, which he thought met all the suggestions of the hon. Member. If the hon. Member should not be of that opinion at least, he hoped the hon. Member would not persist in his Motion at this late period of the Session.

Mr. Mackinnon, as courtesey seemed rather in fashion, would consent to withdraw his Motion.

Motion withdrawn.

Consolidation of Office of Paymasters.] The *Chancellor of the Exchequer* rose to move for leave to bring in a Bill to consolidate the office of Paymaster of the Forces, Paymaster of the Navy, Paymaster of Chelsea-Hospital, and Treasurer of the Ordnance. At present his right hon. Friend (Sir Henry Parnell) held those offices under separate appointments; the object of the Bill he wished to bring in was, to authorise one appointment for the whole of them. From the experience they had had during the time his right hon. Friend had held those offices, they felt convinced that the duties of all might be advantageously discharged by one person; and this with a prospect of further reductions being effected in the subordinate branches of these departments. He would briefly state some of the expenses of each department in times past, and what would be the effect of the proposed consolidation. In 1783, the salary of Paymaster General was 4,000*l.* a year. In 1784, two Paymasters General were appointed at salaries of 2,000*l.* each. In 1823, the salary of that office was reduced to 2,000*l.* a year. The Deputy Pay-Master General in the first period received 1,000*l.* a year. That was afterwards reduced to 500*l.*; but in 1830, that office became vacant, and was then discontinued. With respect to the Treasurer of the Ordnance, the expense of that office in 1815, was 1,858*l.*; in 1825, it was reduced to 1,500*l.*; and in 1830, it was further reduced to 1,000*l.* But the duties of that office were now discharged by his right hon. Friend without any emolument whatever. Before 1817, the salary of the Treasurer of the Navy was 4,000*l.* a year; it was then reduced to 3,000*l.* a year. The Bill dealt with these offices only so far as parliamentary authority was required for effecting a consolidation of them; the power that might be exercised by the Government itself was reserved to that authority. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

Mr. *Hume* was extremely happy, that the right hon. Gentleman had brought in the Bill at last. He hoped it would simplify the duties of these offices as much as the measure lately passed had simplified the duties of the Exchequer. Indeed he believed it would have that effect, and be likewise productive of considerable economy.

Mr. *Barlow Hoy* always thought, that the division of labour led to facility and perfection; he therefore feared, that whatever might be gained with regard to expense would be lost in efficiency by the proposed consolidation of these offices.

Leave given.

## HOUSE OF LORDS,

### *Wednesday, July* 29, 1835.

Minutes.] Petitions presented. By the Earl of Rosslyn and Lord Saltoun, from four Places, for further Accommodation in Scotch Churches, and Protection to the Church of Scotland—By the Marquess of Hertford, from Ipswich, against being Disfranchised by the Municipal Corporations' Bill,—By the Marquess Camden and the Earl of Lonsdale, from Brecon and Carlisle,—against the above Bill.—By the Bishop of Hereford, from Cum Au, against Allowing Beer to be Drunk on the Premises.—By the Marquess Camden, from the Agriculturists of Gravesend and Dartford, for Relief.

## HOUSE OF COMMONS,

### *Wednesday, July* 29, 1835.

Minutes.] Bills. Read a second time:—Sheriffs' Declaration; Reform of Parliament (Scotland).

Petitions presented. By Major Macnamara, from Michelstown, for Revising the Tithes' Composition Act; from Kilcoleman, for the Abolition of Tithes; from Ennis, for discontinuing the Soap Drawback in Ireland; from the County Clare, for Inquiry into the State of the Irish Fisheries.—By Captain Gordon, from the Solicitors of Banff, in favour of the Instruments of Sasine (Scotland) Bill.—By Mr. F. Shaw, from a Number of Places, against the Church of Ireland Bill.—By Mr. W. Duncombe, from Preston and other Places, for Amending the Factories' Regulation Act.—By the Lord-Advocate, from the Parochial Schoolmasters of Kilkerry, for Securing to them the Accommodations specified in the 8th section of Act 43rd George 4th, cap. 54; from a Military Society of Elgin, for Extending Act 9th George 4th, cap. 92, to Scotland; from the Bakers of Leith, against Extending the Sale of Bread Bill to Scotland.—from Leith, against proposed Alterations in the Bonding Warehouses System; from Edinburgh, against any Grant for Building Churches in Scotland; from Leith, and by Captain Gordon, from Aberdeen, against any Alteration in the Timber Duties.—By Mr. Bish, from Leominster, for the Repeal of the Duty on Newspaper Stamps.—By Mr. C. Fergusson, from the Postmasters of Dumfries and Glasgow, against the present System of Farming the Post-Horse Duty.—By Lord Sandon, from Liverpool, against the Steam Vessels' Pilotage Bill.—By Mr. Sharman Crawford, from Arles, and from an Individual, for Poor-Laws to Ireland.—By Mr. Callaghan, from four Places, against Tithes in Ireland.

Ipswich Election.—Case of Mr. Clipperton.] Mr. Freshfield moved that John Clipperton be brought to the Bar to-morrow, reprimanded and discharged.

Mr. *Potter* objected to proceeding with public business before five o'clock. It wanted twenty minutes of that hour.

The *Speaker* said, that the matter was entirely with the House. He believed that the original understanding was, that the presentation of petitions should not be continued beyond five o'clock, but he did not think that the House had bound itself not to proceed with any public business before that hour. That being the case, and there being no other petitions to present, it was necessary to proceed with the Orders of the Day in their regular succession.

Mr. *Ruthven* must oppose proceeding with it before five o'clock. There were many members interested in the Question who were absent now, but who no doubt, would be in attendance at five o'clock. He was hostile to this adoption of a short cut in bringing on a motion, and in justice to the hon. Members absent, he would prevent it. This was, in his opinion, a very important matter, both as regarded the privileges of that House, and the purity of election. It appeared to him that the question was whether Mr. Clipperton should not be struck off the roll of attornies. He was astonished to see a member of that profession volunteering to bring forward this case. He should have the delicacy to leave it to some other Member. If they allowed professional men to shelter themselves under their professional cloak, while they dexterously employed others as the agents of bribery and corruption, it would be idle to talk of improving the representation of the people. No man could do so much mischief at an election as an attorney, in protecting bribery and corruption. The two individuals whom they had already had at the Bar, and who had there received a proper chastisement from the right hon. Gentleman in the Chair, had been received as triumphant victims in Ipswich. The same thing would no doubt happen in this case. It was to be regretted, that condign punishment did not fall upon the original author of all this bribery and corruption. It was said, that this person had answered all questions which a gentleman should answer. What distinction should there be under such circumstances between a gentleman and an honest man, however humble his situation in life? He was glad to see that it was now five o'clock, and he hoped that those Gentlemen who ought not to be absent, would soon be present.

Major *Beauclerk,* while he agreed with the hon. Member as to the necessity for preventing bribery and corruption, differed from him as to the degree of punishment to be inflicted in this instance. In the first place, this individual was not the chief culprit; and in the next place, a political court like that, was not the proper one for trying offences of this kind. As long as that House, as a political court, should continue to try such cases, he should feel it his duty to vote for the least punishment on them. He trusted, however, to see the day when a political court like that no longer exercised such a power, and when such matters were referred for trial to a properly constituted tribunal.

Mr. *Potter* objected to the discharge of this man. He recollected when a poor woman was before the House on a former occasion, in the instance of the Liverpool Bill, and when, through fear of her husband, she refused to answer certain questions, she was compelled to answer them. It should be recollected, that it was in this gentleman's house that the escape of Pilgrim had been arranged.

The House divided on the Motion. Ayes 56; Noes 34: Majority 22.

### *List of the Noes.*

Baldwin, Dr.
Barnard, E. G.
Blake, M. J.
Bodkin, J. J.
Bowring, Dr.
Brady, D. C.
Butler, Colonel
Crawford, S.
or
Elphinstone, H.
Fergusson, R. C.
Hay, Colonel L.
Hector, C.
M'Cance, J.
M'Namara, Major
M'Taggart, J.
Murray, J. A.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Loghlen, M.
Parrot, J.
Pelham, A.
Pendarves, E. W.
Phillips, M.
Power, P.
Ronayne, D.
Ruthven, E.
Ruthven, E. S.
Scrope, P.
Wakley, T.
Wason, R.
Williams, W.
Winnington, Sir T.

TELLERS.
Porter, R.
Steuart, R.

ENGLAND AND SPAIN.] Captain *Boldero* stated, that an account had been published of the shooting of three English sailors or marines near Bilboa. Supposing this intelligence correct, he was anxious to know whether these men had been employed in defending Bilboa? Whether they were in uniform and armed? Whether they had been guilty of any aggression? And whether they had been shot by virtue of the decree of Don Carlos? Another important question arising out of this case, was, whether the convention of Lord Eliot extended to foreigners? If it did, he could not see how Don Carlos was to be justified for a moment in the act he had committed. He trusted that these sailors or marines had not been employed in landing guns.

Viscount *Palmerston* replied, that the only official information he had upon the subject was contained in a letter transmitted to him from the Admiralty, which was received from an officer in the King's service, dated 16th July. That letter stated, that three English marines, belonging to the steam vessel, called La Reina Gobernadora, having straggled to some distance from Bilboa, had been surprised and taken prisoners. One of them who made resistance had been instantly shot, and the other two had been marched about a league and a half from Bilboa, on the Orduna road, and there shot. This act had been committed, as the officer stated, in consequence of the order of Don Carlos that no foreigner taken in arms should be spared. That was, he believed, the only communication yet received on the subject. The unfortunate men were not marines in the King's service, but had been engaged in this country to act as marines in the service of the Queen of Spain. They formed part of the crew of a steam vessel, which, having been in Bilboa, had assisted in the defence of the town, and it appeared that they had been taken straggling out of the town. As this was all he knew, it was all he could communicate.

Subject dropped.

TITHES—THE CHURCH (IRELAND).] Lord *Morpeth* moved the Order of the Day for the House resolving itself into a Committee on the Tithe and Church (Ireland) Bill.

The House went into Committee.

The Clauses to 100 inclusive were agreed to.

On the Clause 101 (the interpretation Clause) being put by the Chairman,

Mr. *William Smith O'Brien* said, that it would only have been fair that the subject of Ministers' money should have been taken into consideration in the Bill, as well as the other incomes already enjoyed by the Irish clergy.

Mr. *David Roche* could not do otherwise than express his concurrence in the observation of the hon. Member for the county of Limerick.

Mr. *Shaw* said, that he conceived it was a very great hardship that the cases where the income of the clergyman depended upon what was called "Ministers' money" should not have been considered separately. If that part of the Bill which related to the property of the Church had been kept distinct from the appropriation provisions, all the friends of the Church would have been anxious and ready to give their assistance to effect a liberal and equitable adjustment of the property of the clergy. The whole annual amount of Ministers' money did not exceed 12,000*l.* per annum, and those clergymen who depended upon that description of income were as much deserving of consideration as those whose incomes depended upon tithes. He begged also to state, as he was now on his legs, two facts upon which the noble Lord opposite (Morpeth) had expressed some doubts when the measure was last under discussion. The first was, that the present income of the ecclesiastical Commissioners was now only 19,477*l.* as he (Mr. Shaw) had stated the other night; and secondly, that on account of the Perpetuity Purchase Fund only 80,000*l.* had been received, while the Commissioners owed a debt of 100,000*l.*

Viscount *Morpeth* would not enter into any calculation on these points, as the matter would be set at rest by a Return which he hoped to be able to lay upon the Table to-night or to-morrow.

Mr. *Charles A. Walker* said, that it was of little consequence to discuss the amount of Ministers' money, if, as was supposed, this Bill was to be rejected and not allowed to pass into a law by another branch of the legislature. He was himself a sincere friend to the Church of Ireland, and he could tell the right hon. Gentleman opposite (Mr. Shaw), and those who thought with him, that the real interests of the clergy of that Church would be best served by allowing the Bill to pass in its present shape, and that those were the enemies of the Church who opposed that course.

Mr. *Shaw* said, that was not the first time the hon. Member for Wexford had put himself forward as the friend and advocate of the Established Church, describing other gentlemen as its enemies. He hoped the hon. Member for Wexford would allow him to inquire how the hon. Member had described himself to the Commissioners of Public Instruction.

Dr. *Lushington* protested against the question which the right hon. and learned Gentleman had just put to the hon. Member for Wexford, which he declared to be utterly unparliamentary, and contrary to every principle of justice. "This is the first time (said the hon. and learned Civilian) in the course of my Parliamentary experience, that I ever yet heard one Member of Parliament take upon himself to put a question as to the religious sect and sentiments of another individual and independent Member of Parliament, and to require of him to state, in the face of the House and the public, whether he entertained the religious opinions of the Established Church, or of some other religious body. I tell the right hon. and learned Gentleman, that this House will not endure such inquisitorial practices, and I tell him further, that the hon. Member for Wexford will best discharge his duty to this House and the public by treating the inquiry with the contempt it deserves.

Mr. *Shaw*: "The hon. and learned Gentleman should first understand what was the question I asked, before he exhibited so much warmth. I did not enquire into the religious opinions of the hon. Member for Wexford. I believe him to be a member of the Established Church; and I believe the hon. Gentleman to have received the sacrament in the Established Church, a short time before the Return to which I alluded was made. The question which I asked the hon. Gentleman was, whether he described himself, to the question put to him by the Commissioners of Public Instruction, as a Member of the Established Church. The hon. and learned Member for the Tower Hamlets has recommended the hon. Member for Wexford to treat my question with contempt. I can assure that hon. and learned Member, that that is exactly the sentiments which I now feel towards his lecture."

Mr. *Hume* quite agreed in what had fallen from his hon. and learned Friend, the Member for the Tower Hamlets. The question put by the right hon. and learned Gentleman was such as he had never before heard put to any Member of Parliament. But it appeared to him to be in perfect agreement with the language used by the right hon. and learned Gentleman elsewhere; and he hoped the right hon. and learned Gentleman would take this opportunity of re-stating in his place what it was he had said with reference to those who were opposed to him on the question of Church Reform. "I wish to know, (said the hon. Member) whether he means to say, that those members who sit on this side of the House, and who are now taking measures to promote reform in the Church and in the other institutions of the country, are the individuals whom he has characterized by the names of revolutionists and infidels? It appears to me, that from the situation in which the right hon. Member stands, he cannot have any objection to remove that ground of complaint which hon. Members on this side of the House now have against him; but if he will not do so, then we have a right to know to what degree the character of revolutionists and infidels is intended by him to attach to us.

Mr. *Shaw* said, that certainly a most unfounded and incorrect report of what he had said elsewhere had gone forth to the public. He had seen it stated in some of the public prints, that he had said, that all those persons opposed to him on this question were infidels. He never said any thing of the kind. He would tell the hon. Member the substance, if not the very words of what it was he did say. He was talking of the different political parties in the State, and particularly of those who were called the movement or destructive party, and the conservative party; and he observed that those who were on his, the Conservative, side, would naturally be opposed by all who were restless in their conduct, revolutionary in their politics, and infidels in their religion, because they would naturally join the Movement party. That was what he had said. He admitted that he had expressed his belief that all who who were infidels in religion would naturally join the opposite or movement party; but he never said that all those who belonged to the opposite party were infidels. No one who had the least understanding, or who apprehended the simplest principles of logic and common sense, could for a moment argue, that because he had said all infidels in religion would join the movement party, therefore he meant to say, that all who belonged to that party, and were his opponents, were infidels.

Mr. *Hume*: No doubt the language of the right hon. and learned Gentleman was very charitable, and in the spirit of a true Christian. But did he mean to say, that the opponents of the conservative party in that House were infidels. The right hon. and learned Gentleman had said, that though all were not infidels, yet there were some among them who were [*No, no!*] Well, to say the least of it, the opinion avowed by the right hon. and learned Gentleman was not a very liberal one; and the question which he put to the hon. Member for Wexford was of a kindred sort with that opinion. I wish (said the hon. Member) the right hon. Gentleman would tell us whom he calls the movement party. I take myself to be one of that party; and I wish to know what infidel associates I have. I challenge the right hon. Gentleman to name one. Of course as there are so many infidels amongst us, there can be no difficulty in stating who they are. Either the right hon. and learned Gentleman ought not to make such a statement, or he ought to be prepared to substantiate it. I repeat my challenge, and call upon him to name one of the movement party who is an infidel? If he cannot, then I call upon him to withdraw his words, and acknowledge that they are not applicable to us. As a man of honour, he is bound to substantiate his charge, or retract it altogether.

The *Chairman* (Mr. Bernal) interposed, and put it to the Committee whether it were proper that this irregular conversation should be continued. They were now upon the interpretation Clause, and he hoped the Committee would proceed.

Mr. *Hume* quite agreed with the hon. Chairman that this conversation should not proceed further; and more especially so as he understood that an opportunity would be afforded to advert again to the language of the right hon. and learned Gentleman, on the presentation of a petition on the subject. But it must be admitted, at any rate, that the conversation began on the other side. There could not be the least doubt that it began there.

Mr. *William Smith O'Brien* said, if this Bill did not pass the other House of Parliament, it was his firm belief that the Established Church in Ireland would not last three years. As the members of that Church constituted only about one-tenth of the population, it could not be surprising that those who did not belong to it should refuse any longer to contribute to its support. They did not, however, go that length; they were willing to enter into a compromise, and to continue to pay towards the support of the Church, provided the surplus of its revenues was applied for the general benefit of the community. Whether, in another year, they would be in a condition to enter into an arrangement so advantageous to themselves as they could now, he would not pretend to predict; but his conviction was, that if this opportunity were allowed to pass, it would never again return.

The Clause agreed to, as was also the Preamble.

The House resumed.

PAYMENTS TO THE CLERGY (IRELAND). The House went into a Committee on the 3rd and 4th William 4th, cap. 100, sec. 19.

Viscount *Morpeth* said, he had three Resolutions to propose, which he should then merely put into the hands of the Chairman, in the hope that the House would consent to take the discussion on them, when the Clauses which were to be founded on them came to be inserted. The noble Lord moved the first Resolution as follows:—"That advances be made out of the Consolidated Fund to defray the expenses incurred in the revision of the Tithe Composition; such advances to be repaid out of the rent-charges to be received by the Commissioners."

Mr. *Hume* wished to know in what way the money was to be repaid. He trusted that the noble Lord did not mean to call upon the people of England to pay for the support of the Irish Church. As an Irishman, he might, indeed, say to England—if you will maintain an Irish Church against our will you ought to pay for it. But, as an English Member, he hoped the noble Lord would explain how the money to be advanced was to be repaid. Surely the Commons of England, at this time of day, knowing the situation of the Church in Ireland, would not quietly pay a million of money to support what they considered to be a grievous abuse in that country.

Viscount *Morpeth* said, the money would be repaid under the provisions of the Bill which had just passed through a Committee. It was provided, that it should be repaid out of the amount of the rent-charges, and out of the money to accrue under the Bill from suspended benefices.

Mr. *Charles Barclay* was not at all surprised that this proposition should be made. Had Ministers proposed, by a separate measure, a grant of 50,000*l.* a-year for the purpose of promoting general education in Ireland, they would have had his vote, as they had for the vote of 35,000*l.* the other night for a similar purpose. He would willingly grant 100,000*l.* a-year for such an object; but he could not allow these Resolutions to pass without protesting against the principle of the Bill altogether. It had been observed to him that there was no occasion for his opposing the Bill, as it provided for certain purposes which could never be effected; but his answer was, that if the Bill passed they might depend upon it a surplus would soon be found. He had no doubt, if the Bill passed, that, in the course of next Session, an additional grant would be taken from the people of England and Scotland to promote what was called general education in Ireland.

First Resolution agreed to.

The second Resolution was moved as follows:—"Provided that the instalments in repayment of any money advanced under an Act of 3rd and 4th William 4th, cap. 100, sec. 19, for the relief of owners of tithes in Ireland, be remitted or repaid, and that the remainder of the Exchequer bills, authorised under said Act to be issued, shall be applied to such purposes as may be authorised by an Act of the present Session of Parliament, for the better regulation of ecclesiastical revenues in Ireland."

Mr. *Hume* wished to be informed who were the parties to benefit by this advance. It was understood that individuals, both lay and clerical, had taken out of the grant advances to the amount of about 600,000*l.* in part payment of the arrears due to them for tithes. Now, he should be glad to know who were to be gainers by this advance, and the remission of the repayment. Was it to be the clergy, the lay-proprietors, the tenants who had obeyed the law and paid their tithes, or those who had disobeyed the laws and refused those payments?

The *Chancellor of the Exchequer* was understood to say, that the amount which had been received in payment of the arrears was very small—about 250*l.*

Mr. ***Potter*** objected to making the funds of the United Kingdom liable to the payment for the Clergy of Ireland. He, as a dissenter, could not consent to vote one penny for the Church of Ireland. That Church was to be supported by the land—tithes were paid by the land, and, therefore, the landlords of Ireland ought to pay all that was due to the clergy.

Mr. *James Grattan* said, that the landlords of Ireland had had no concern whatever with the 1,000,000*l.* to which the hon. and learned Member for Southwark had alluded, and he at once protested against the doctrine that they ought to be made responsible for its repayment. For his own part, however, he was not unwilling to pay his share of the million, if Parliament would in return give a good Tithe Bill to his unfortunate country.

Mr. *Harvey* had given notice to move the insertion of a proviso, but he had since altered the terms of it; he hoped, however, that he should not be precluded on that account from bringing it forward. The proviso he intended to move was, "that in every case where arrears of tithe for all or any of the years 1831, 1832, 1833, and 1834, remained due, there should be added to the rent-charge, proposed to be raised on the land from which those arrears were due, a further permanent rent-charge at the rate of 4 per cent. on the amount of the money advanced with respect to such arrears of tithe due from such lands; the produce of such additional rent-charge to be payable to the consolidated fund, in order to provide for the additional money that may be advanced, or be necessary to be advanced, to the owners of such tithes in arrear."

The *Chancellor of the Exchequer* said, that by allowing the Resolutions now to pass, the hon. and learned Gentleman would not be precluded from bringing forward his Motion hereafter.

Mr. Harvey would move it on Friday.

Mr. *Dominick Browne* wished to remind the House that this 1,000,000*l.*, and, also, a further sum of 168,000*l.*, in the shape of interest upon it, belonging to the people of England, had been thrown away for the sake of keeping the people of Ireland out of their rights. It had been thrown away by the late and by the present Ministry to conciliate the prejudices of some persons in England. Now, the people of Ireland would have no objection to repay that million, and pay the 30 per cent., which was in future to be taken off the amount of tithes, provided the people of England would abandon their prejudices respecting the purposes to which it was appropriated; for the objection of the people of Ireland was not the present amount of tithes, but to the purposes to which the tithes were at present appropriated.

Mr. *Hume* wished to be informed what would be the use of making any such compromise as that which hon. Members had proposed, if this Bill were certain, as they had just been told, to be rejected in another place? The Government might depend upon it that half-measures would not do. The country had already lost a million in this attempt to conciliate and compromise, and was still as far from a settlement as ever. He would have no objection to throw away such a sum of money, if peace were likely to result from throwing it away; because he knew that, with peace established on a firm basis in Ireland, he could save a million in a year, by the reductions which he should be enabled to make in the army now garrisoned in that country. He was glad, however, that they were to have another opportunity of discussing this particular question. In the meanwhile let Ministers make up their minds as to the manner in which they would act. He should recommend them to make this Bill as perfect as possible—to send it up to the Lords in that shape, and to let the Lords throw it out if they dared. If, as they had been told by the noble Member for North Lancashire, it was determined elsewhere that this Bill should not pass, let Ministers be prepared to do their duty, and to speak out manfully to the people of the united empire. Let them see whether the Commons of England will submit to have misrule continued, and peace denied interminably to the people of Ireland. Looking at what was then going on, he would recommend the Ministers, if measures were taken to destroy this Bill or any other Bill in another place, by the exhausting process of delay, to let the business of that House proceed regularly as before, and then, as soon as that business was completed, to adjourn the sittings of the Commons till the Lords had wearied out their own patience by the delays which they had themselves originated. Yes; he recommended the Ministers to adjourn the sittings of that House while their Lordships were taking measures to defeat by delay either this Bill or the Municipal Corporations' Bill, both of which had met the approbation of the Commons of England. The people were determined to have Municipal Reform—so were their representatives. Backed, then, as Ministers were by a majority in that House, and backed as they were by a still larger majority out of that House, they would desert their duty to the people if they gave up either of the two great measures which had that Session obtained the sanction of the House of Commons. He hoped that Ministers would act like men, and not be frightened by shadows.

Mr. *Finch* complained that the hon. Member for Middlesex had mixed together two questions which were quite distinct from each other — he meant the Municipal Corporations' Bill and the Church of Ireland Bill. The people of England were certainly not prepared to go the lengths which the hon. Member for Middlesex described; and he believed on the next appeal made to that people that the hon. Member would find that the constituency of Middlesex would not be inclined to support him any longer.

Mr. *Phillip Howard* was induced to coincide with the hon. Member for Middlesex, who had not attacked the privileges of the other House. If those privileges were used to obstruct the public welfare, his hon. Friend thought they would be destroyed.

Mr. *Hume* meant, that, if in another place, all salutary reforms were to be thwarted and thrown out, and if the public money were to be squandered and the public peace destroyed, without any attention to the claims of either reason or justice, it was high time to consider for what purposes the privileges of the two Houses of Parliament were granted. It was, therefore, for Ministers to consider and to act. How far the hon. Member might be correct in the opinions which he attributed to the people of England it was not for him to say. This, however, he would declare, that he did not believe that the hon. Member's version of the opinions of the people of England was correct. If the constituency of Middlesex disapproved of the opinions which he had expressed, either on that night or on any former occasion, they would act wrongly if they did not turn him out. He had no objection to that appeal which the hon. Member said would be made to the people. The sooner the better, said he. The appeal which had recently been made to the people by the right hon. Friends of the hon. Member had produced a very different result from that which they had anticipated. If the hon. Member meant by his appeal a general election, he entertained the greatest confidence that the people would then show the hon. Member that they were determined not to allow those abominations to go on any longer, which seemed so dear to hon. Gentlemen on the other side. Let those who were for supporting abuses, and for refusing all terms of compromise at present, consider what terms they were likely to get if this Bill should be rejected, and it should become necessary to introduce another in a new Parliament.

Mr. *Goulburn* rose to Order. The hon. Member for Middlesex had no right to impute to his hon. Friend that he was a supporter of abuses.

Mr. *Hume* I accused no man of motives. I said that abominations and abuses existed, but I attributed no motives to any man. The right hon. Gentleman should know me well enough, to know that it is not my practice to attribute motives. I said the other night that he supported what I considered to be abuses; but I added, at the same time, what I believed,—namely, that he was most conscientious in supporting them, not as abuses, out as safeguards of the Establishment. Nothing has fallen from me this night which justifies him in stating that I have imputed improper motives to any man.

Resolution agreed to. On the next Resolution that 50,000*l.* should be annually paid out of the Consolidated Fund to the Board of National Education in Ireland from and after the 1st of April, 1836,

Mr. *Goulburn* returned his thanks to the noble Lord for the alteration which he had made in this Bill by the introduction of the present Clause. In the unanswerable speech which his right hon. Friend the Member for Tamworth had made on a former night, he had proved to demonstration that there could be no surplus to appropriate to the purposes of education, after the revenues of the Church of Ireland were reduced as this Bill proposed to reduce them, and the other purposes of the Bill were accomplished. Of that speech the present Clause was strong confirmation, for it clearly anticipated that there would be no surplus. If it did not, why was it introduced at all? Up to the present time Parliament had been accustomed to vote annually all the grants of money which was destined for purposes of education in Ireland. But now Parliament was called upon to enact at once the payment of 50,000*l.* annually, for some years to come, thus depriving itself of the power of controlling the sum voted, or of altering the arrangements to the support of which it was appropriated. He contended that the plan of the noble Lord was nothing else than a direct sacrifice of the interests of the Established Church in Ireland. For what was the noble Lord's arrangement? To sacrifice the revenues of 860 parishes in Ireland to obtain a fund for the repayment of this sum of 50,000*l.* The result of confiscating the revenues of so many parishes would be to place 58,000*l.* a-year in the hands of Government. But was the whole of that sum applicable to the purposes of this Bill? No; the noble Lord had saddled it with the support of so many other purposes, that he would find himself in debt upon his Reserve Fund, as he had found himself in debt for other purpose supon his Perpetuity Fund. What were the charges which the noble Lord must satisfy before he could avail himself of his Reserve Fund? Here was one, which in itself was a pretty large charge. In cases where the benefices were in the gift of lay patrons, the noble Lord must purchase that lay patron's interest in the advowson. The income of the livings in the gift of lay patrons amounted to 15,000*l.*, and this must be bought up out of the Reserve Fund before it could be serviceable to any other purposes. Now, these advowsons must be worth at least ten years' purchase, and therefore would cost 150,000*l.* This sum must be provided for before they could provide for anything else. Then a sum of money must be paid to buy up glebe-houses. Add to that the sum necessary for the stipends of curates in benefices, and the other charges which must fall upon the Fund, and then where was the surplus to be found to repay the charge put upon the Consolidated Fund by this Clause? He had said on a former night, that he would not take any part in amending this Bill, but this Clause was such an improvement to it, that he had been induced to reconsider his resolution. The noble Lord now, in point of fact, admitting that there would be no surplus under the Bill, asked the Legislature to apply 50,000*l.* a-year to the purposes of education, in order to meet the disappointment that would be otherwise felt by the people of Ireland, at the result of the measure.

Lord *John Russell* thought that the anger shown by the right hon. Gentleman was not because his argument had been confirmed, which ought to please and satisfy him, but because one of the arguments on which he and his friends relied was taken away by this provision. Gentlemen on the other side said, "Your pretence of having a Reserve Fund, as the incumbents of livings which are to be sequestered die off, instils into the people a notion that the benefits of education are contingent on the death of certain individuals; and is, in fact, an encouragement to the assassination of Protestant Clergymen—a *bonus* upon their murder throughout Ireland." Such was the arguments of Gentlemen opposite against the Bill, but this argument was entirely destroyed when the House of Commons said, that a sum should be given from the Consolidated Fund for the purposes of education, and that the monies which fell in yearly from vacated and sequestered benefices should go to repay these advances made out of the Consolidated Fund. Now, whatever might be the enthusiasm of the Irish people in the cause of education, it could scarcely be supposed, even by Gentlemen opposite, that they would be such enthusiastic supporters of the Consolidated Fund as to put clergymen to death in order to repay its advances speedily. He did not wonder that the right hon. Gentleman should be a little sore when he found those favourite predictions of desolation and murder (which answered so well for making beautiful perorations and rounding sentences) completely done away with by the resolution in the hands of the Chairman. But the right hon. Gentleman, who at the same time admitted the sincerity of his noble Friend in making the proposition, said, "This comes of your conviction that there will be no surplus." Now in reply to this he must observe, that one part of the right hon. Gentleman's remark answered the other, for he admitted his noble Friend's sincerity, and certainly, if his noble Friend made the proposal, believing that there would be no surplus, he would not have been sincere in his plan, considering the terms in which it had been brought forward. He contended that his noble Friend was correct in assuming that there would be a surplus, out of which to repay the advances from the Consolidated Fund. As far as the calculations he had seen could be relied on, it appeared that the sum arising out of suspended livings would amount to 86,000*l.* a-year, on which sum there were immediate charges to the extent of about 28,000*l.* leaving a yearly surplus of 58,000*l.* On the one side a sum must be allotted for the purchase of advowsons, and on the other might be reckoned monies arising from the reduction of benefices of 600*l.* or 700*l.* a-year, with but small duties to be performed; so that he thought it not extravagant to say, that 50,000*l.* or 60,000*l.* a-year might be expected to accrue to the Reserved Fund. Certainly as had been remarked, there were advowsons to be paid for, but supposing the price to be calculated at ten years' purchase, it ought not to be forgotten that the whole of those incomes would be paid in perpetuity to the Reserve Fund. He thought, on the whole, that this was a fair proposition; he did not pretend to call it a wonderful improvement, to insinuate that it effected any change in the main provisions of the Bill, or that it would alter materially what might otherwise have been expected to take place as the practical result of the measure; but it must be admitted, that the resolution removed one of the objections which Gentlemen opposite seemed to rely on—an objection, however, that had no other foundation than their own exaggerated and fanciful apprehensions.

Mr. *Goulburn* thought it rather extraordinary that the noble Lord should be willing to pay 50,000*l.* a-year out of the Consolidated Fund to obviate an exaggerated and fanciful apprehension that Irish clergymen might be murdered in consequence of the provisions of his Bill.

Sir *Henry Hardinge* certainly understood the noble Lord to say the other night that he should introduce this Clause to prevent the "disastrous consequences" that might otherwise follow. The hon. and learned Member for Dublin had last year distinctly referred to the possibility of similar "disastrous consequences" ensuing from a numerical statement of the Irish Protestants. Though he did not dispute the propriety of a grant for purposes of education, he denied that the security for its repayment was an honest or *bonâ fide* one. He thought the noble Lord must be himself aware that there could be no surplus, consequently that the Consolidated Fund would never receive back a farthing of the advances.

Viscount *Morpeth* was prepared to contend that, if the Bill passed into a law in its present shape, there would be a large surplus. He had expressly guarded himself against the supposition that he brought forward the resolution through an apprehension that Protestants would be massacred if such a provision were not made. He only observed that such an inference had been erroneously drawn, and one of the reasons which induced him to suppose it had, was to be found in the speech made by the right hon. and gallant Gentleman on the night when he introduced the Bill.

Mr. *Twiss* said, that it appeared it was because disastrous consequences were dreaded from the measure that Ministers now asked for the present grant out of the Consolidated Fund. He did not think it fair that Ministers, on the mere supposition of a surplus, should ask for 50,000*l.*, to be repaid out of such estimated surplus. Ministers, in arguing the right of appropriation, took a high ground, and said that unless the surplus was large they would not claim the right to appropriate it. Was the House fairly treated on this point? Was there no doubt as to this surplus, and did not upwards of 300 Members, by their vote the other night, show that they had their doubts respecting its existence? If there was any truth in figures a surplus could not arise, at least for a very considerable period of time. If the noble Lord, in a straightforward way, proposed a grant for the education or for the maintenance of the religion of the majority of the people of Ireland he would not oppose it. He was anxious for the welfare of the Established Church in that Country, and at the same time he did not wish to see 6,000,000 of people without the means of moral and religious instruction merely because they differed from the minority of the population, who professed the doctrines of the religion of the State. But it was too hard that funds for that purpose should be taken exclusively from the property of that Church to which those persons, for whose benefit they were intended, did not belong. The Established Church should not exclusively supply those funds; they ought to be supplied by the common property of the whole realm. He considered that the measure was one either of spoliation or delusion, and as such he could not consent to it.

The *Chancellor of the Exchequer* said, that it seemed to the hon. and learned Gentleman who had last spoke that the case of a surplus was not sufficiently argued. On that point he begged to refer the hon. and learned member to the speech of his noble Friend (Lord John Russell), delivered at the close of the protracted debate on the Bill the other night, when his noble Friend went fully into the figures and facts of a surplus. If the facts there stated were true, a surplus did exist. The hon. and learned Member need not be afraid that the people of England would object to this vote of 50,000*l.* a-year for the education of the people of Ireland, for the people of England would not have to pay it. If the House had the sums that had been wasted on Protestant charter schools in Ireland they would hear nothing now of the present vote, for it would not be wanted. He held an account in his hand, by which it appeared that two of those establishments, the Protestant Charter School and the Foundling Hospital, in Dublin, cost, up to 1829, before the Administration was polluted by Whig Members, no less a sum than 1,510,000*l.* This sum was paid out of the taxation of England and Ireland. All Gentlemen on both sides of the House were agreed on the necessity of providing for the education of the people of Ireland. He doubted if the hon. and learned Gentleman knew anything of the surplus they had to deal with. Until the avoidance of benefices there could arise no surplus. By degrees there would be avoidances of livings, and then there must be a surplus. There was no inconsistency in beginning by applying to Parliament for this grant, as there would be a surplus to repay it. They might have created a surplus already, but they respected vested rights, and all he asked was, that Parliament should do now permanently what it already did from year to year.

Mr. *Pringle* complained that the House was taken by surprise, and he said that they ought not to consent to the grant. He was not opposed to the education of the people of Ireland, but the present system was calculated to plunge them in still greater ignorance and superstition.

Mr. *Pease* said, the sum now annually allowed was, he believed, 36,000*l.*, and he was willing to allow 15,000*l.* more, if it were applied to a judicious system of education in Ireland.

Mr. *Shaw* had a great objection to the principle of numbering the Protestants in the parishes in Ireland. He had letters to prove that threatening notices were served on Protestants to induce them to avow themselves Catholics. He believed with the noble Lord (Lord Stanley) that the measure would lead to disastrous consequences, and to murder. The present Bill was telling the people of Ireland that the Protestant religion was to cease in those parishes where there were not fifty Protestants. He did not object to the grant of 50,000*l.* if it were properly applied; but he thought it would be applied to other purposes than those of education. It would be a tax on the people of England, as there never would be a surplus to repay it.

Mr. *Cutlar Fergusson* said, that the Protestant religion would not be extinguished in parishes where there were not fifty Protestants. He was surprised that the right hon. and learned Gentleman (Mr. Shaw) should now consent to a grant of 50,000*l.* for educating the people of Ireland, as he remembered having heard the hon. and learned Member on a former occasion say that there was no necessity at all for such a grant, and that in Ireland they were obliged to beat up for people to partake of its benefits. Ministers had always admitted that there was no surplus at the present moment, but his noble Friend had, he thought, shown that if the revenues of the Church were properly managed there would be more than sufficient for the maintenance of the Establishment, and what his noble Friend asked was, that they should allow this surplus, whatever it might be, to be applied in the furtherance of national education. What they were called upon to do was to vote an advance of money for the purpose of education, and those who thought that this money never would be repaid certainly ought, he was free to admit, to oppose the present resolution.

Mr. Sergeant *Jackson* was willing to admit to the right hon. Gentleman who had just sat down, that the intention of the Government was not to banish Protestantism altogether from 860 parishes in Ireland; neither did his hon. Friend (Mr. Shaw) say that this Bill professed to have any such object in view. What his right hon. Friend said was, and in so far he agreed with him, that though the measure professed to be for the benefit of the Established Church, the practical result of its operation would be to diminish, if not to banish, Protestantism altogether from Ireland. It had been demonstrated in the most clear and convincing manner possible, not only that there was no surplus, but that none would be produced by the operation of this Bill; and no one who had heard the able statement of his right hon. Friend, the Member for Tamworth, could help being satisfied that the idea of a surplus existing, either at present or hereafter was nothing more nor less than a gross delusion. This, however, was not a question of surplus, but an educational discussion, and the subject on which they were called upon to vote was, whether they should grant 50,000*l.* next year, and so on year after year, to be applied to the education of the Irish people according to a particular system. Now he must say, that he was, and always had been, the advocate of education for the people of Ireland upon a liberal scale, but he could not at the same time avoid expressing it as his opinion that the right hon. Gentleman, the Chancellor of the Exchequer had travelled out of his way in the comparison which he had drawn between the system now in use and the Protestant charter schools. There was no analogy whatever between the two cases. It was not because the charter schools were founded on a mistaken policy—and he would not attempt to deny that the fact was so—that they were now to vote 50,000*l.* for an experiment which, if it did not altogether fail, might be just as objectionable. He boldly affirmed that the present system of education in Ireland, so far from being an united national system, was neither more nor less than a Roman Catholic system of education;—and in referring to the Report of the Commissioners on this subject, what did he find? Why, that only 140 Protestant clergymen throughout the whole of Ireland had applied for assistance from the fund at the disposal of the Board, while it was entirely silent as to the number of Roman Catholic clergymen who had re-received it. It was not stated in this Report how many Protestant applications had been complied with—whether ten or one; and this he could not help saying, was a highly culpable omission. For his part he did not feel the least surprise at the smallness of the number of the Protestants who had applied for a participation in these funds, when he knew that the schools of the Board were kept either contiguous to the Roman Catholic chapels or within the walls of the nunneries. Such places were unsuitable for schools in which Protestant children were to receive instruction; and yet, with this fact before them, they were told that it was a system of united national education. It was idle to expect that Protestant parents would allow their children to go to schools in which they were surrounded by all the paraphernalia of Catholicism; nor could it be supposed that the nuns would abstain from inculcating their own religious feelings into the minds of such Protestants as might be placed under them for tuition. He had seen the crucifix raised over a great many of these schools. ["*No, no!*"] Hon. Members opposite meant to deny his assertion, but he maintained that the fact was as he had stated it to be. Not only were the insignia of Catholicism displayed in these schools, but in some of them that he had visited the books sanctioned by the Board were nowhere to be seen, while Roman Catholic catechisms and other Roman Catholic books were everywhere visible. This he thought was not only wrong, but a violation of the rules of the Board, and such abuses ought not to be sanctioned by any Protestant Government. While, however, an experiment was carrying on, he thought it unreasonable to call on the House for such a sum as 50,000*l.* for the purpose of united national education; and he must say, that the principle of proportion, on which this Bill was based, was the most vicious and pernicious principle that could have been adopted. Hon. Gentlemen opposite might cheer if they pleased, but he denied that the Established Church, whether in Ireland or of any other country, ought to depend on numbers. Notwithstanding that renewed cheer, he asserted that where there were ten or even five Protestants in a parish, they were as well entitled to the ordinances of their religion as any larger number would be. What man, he should like to know, would be daring enough to set a value on the salvation of even a single soul: and if that were not done, had he not a right to contend that even five Protestants, supposing there were only five in a parish, were as much entitled to the benefit of the spiritual consolation and instruction of their religion as any other number that could be named? The principle of applying the surplus revenues of the Church, taking it for granted that the existence of a surplus could be shown, to other than Ecclesiastical purposes, was pernicious and unjust; that it would work nothing but mischief; and that the disastrous consequences which had entered into the contemplation of the noble Lord, and which he was so anxious to guard against, must follow the adoption of any scheme founded on the principle of proportion on which this measure proceeded. To what other result could such a principle lead, but that of endangering the lives of those Protestants who might be scattered thinly amongst the Roman Catholic population? It would operate as a sort of bounty to the Roman Catholics to act uncharitably and unkindly towards persons of other persuasions; and, although he would not yield to any hon. Member opposite in sincere love and affection for his fellow-countrymen, although he was as anxious as any one to extol the favourable traits of their character, he still could not shut his eyes to their faults. If they possessed many points that were excellent, they also, he was sorry to say, had their blemishes; and no person, at all acquainted with the Irish character, could deny that, though easily led to good, they were still more easily, when worked up by designing and interested parties, incited to evil. It was not dealing fairly by the Irish people, who, he regretted to say, were reckless of human life—who regarded neither their own lives nor those of others. [“*No, no.*”] What! did hon. Members mean to deny that homicides were frequent in Ireland? Why, it was only very recently that a fight occurred at a fair without being provoked by either religious or political animosity, and that sixteen lives were sacrificed. It was clear, then, that they set no value on human life. With all his affection for his countrymen, he could not be blind to the blemishes in their character; and, therefore, he asserted that it was not acting fairly by them to adopt a principle calculated rather to increase than to diminish their dislike of Protestants.

Viscount *Morpeth* observed, that hon. Gentlemen opposite, one after the other, continued to repeat that there would be no surplus, he must, therefore, trouble the House with once more stating the grounds why he entertained the opinion he had adopted, although by so doing he might run the risk of causing fatigue. From the benefices or parishes which, under the operation of this Bill, would have no new incumbents appointed to them after the next vacancy in each, after deducting thirty per cent., he found there would arise 82,327*l.* a-year to be paid to the Commissioners. After deducting the expenses which would fall on this fund, and which were made chargeable on it by this Bill, including the interest of the money to be raised to compensate the owners of the advowsons, there would remain about 50,000*l.* a-year to be devoted to the purposes of education. This amount did not include the sum that would be derived from the operation of the Clauses which allowed the income of rich benefices in certain cases to be reduced to 300*l.* a-year. He had never made any allowance for what might be derived from this source, but he had no doubt that the amount would not be inconsiderable. With regard to the present system of education, he wished to say a few words. He wished that he had brought down with him some letters he had received from persons in Ireland, contradicting statements made in that House respecting some of the schools under the new system. One of these was from the master of the school, of which it was alleged that the scholars attending it were compelled to attend mass both evening and morning. This person denied that there was a word of truth in the statement, or that any Protestant child was ever called upon to attend the Catholic place of worship. It had been said, that the number of Protestant clergymen who had applied to the new Board of Education did not exceed 140. Now, he believed that, if proper inquiry were made, it would be found that the number of both Catholic and Protestant clergymen who had made application to the new Board of Education was pretty equal, allowing, of course, for the different amount of the numbers of the members of the two religions. The hon. Gentleman had said, that the number of Protestants in a parish had nothing to do with the question of the Establishment. He (Lord Morpeth) did not know what taunts he might bring on himself if he stated that he entertained an opposite opinion. He was quite at a loss to conceive the utility of keeping up an expensive establishment for the religious instruction of persons who did not exist in many parishes. The hon. and learned Gentleman said, that they ought to provide religious instruction for even five members of the Establishment in a parish. Had the Bill made no provision for such purpose? It had been said, that the salvation of five souls was of infinitely more importance than the obtaining this surplus of 50,000*l.* a-year. He (Lord Morpeth) agreed that the value of a human soul was far beyond any human estimate or any expense that could be incurred; but, he would recommend those who had urged this, to consider the value of the souls of the millions in Ireland who were now neglected, and had not the adequate means of instruction.

Mr. *O'Connell* remarked, that the disclosure of bad principles sometimes led to good. The right hon. Member for the University of Dublin had that night given them a specimen of his liberality of feeling—he seemed actuated with such zeal as to amount almost to spiritual ferocity. The hon. Member seemed to be actuated by the feeling that he was alone infallible, and that the law which he laid down must be right. He was glad that the hon. and learned Member for Bandon had at last shown himself up. Perhaps the House was not aware that the hon. and learned Gentleman had been secretary to the Kildare-street society for twenty-five years. He was the man to whom the superintendance of the education of the people had been intrusted. Could they be surprised that the people of Ireland were dissatisfied with the system of education afforded in the Kildare-street Society Schools, after what had fallen that night from the hon. Member. He had told them—and had been cheered by those behind him when he did so—that children had been educated within the walls of a convent. The hon. and learned Gentleman did not say whether or not there were any Protestant children in the number. What was the use, he would ask, of keeping up a church in a parish in which there were no Protestants? Were they to maintain a church for abstract Protestants? If there was not a single Protestant in a parish, what was the use of keeping up a church and paying a clergyman? Was it that the atmosphere might be improved by the savour of Protestantism? He would ask the late secretary of the Kildare-street society at once, where was the Protestantism where there were no Protestants? But were the souls of Catholics of less value than those of Protestants? The hon. and learned Gentleman would make the 9,000 Catholic inhabitants of some parishes pay largely for the support of a Protestant clergyman, and the maintenance of a church for the religious instruction of five Protestants. Were not the Catholics equally entitled to the means of instruction as the Protestants? Was redemption to be counted in money? Was it a part of the Divine operation, not to think it charity to inculcate the feeling of benevolence on the part of the five to the 9,000? "But you only think of money," said the hon. and learned Gentleman. If that be your religion, avow it, and then we understand it; and I say, we want not your cant or hypocrisy; but tell us that you battle for money—for pounds, shillings, and pence. Is that your religion? If it be, say so. If, indeed, you have Protestant feelings, you will rejoice to take away the tarnish upon your religion." Great alarm had been expressed at the idea of a number of children being educated at a school-room in a convent. What harm was there in the school-room being within the walls of a convent? It was an absurdity to suppose that a school could be held there for the purpose of proselytism. There were two classes of nuns in Ireland—one who devoted themselves to the education of the poor, and the other who were employed in visiting the sick. When the cholera raged with such violence in Ireland, these excellent women devoted themselves to attending the sick in the hospitals. In his neighbourhood, eleven nuns constantly attended the hospital for twenty-four hours; and, at the expiration of that time, they were succeeded by eleven others. There was not one individual, however, from Kildare-place, to be met with in those scenes of misery. In the prime of life, and vigour of health, these amiable women tended, in the most pestilential atmosphere, those who had been attacked by that frightful disease. He had seen them at the time, and they were most cheerful in consequence of the satisfaction they experienced in doing good and alleviating the sufferings of their fellow-creatures. In Killarney he knew a convent in which three young Protestants had been placed by their parents for the purpose of education. Their parents had sent them there from choice, and had no fear of proselytism. He challenged any man to point out a single instance in which the nuns engaged in education in Ireland, had ever interfered with the religion of the Protestant children intrusted to their care. He would meet any antagonist foot to foot on this point, and would defy him to point out a single instance where such conduct had been proved. He denied, also, that the Protestant children attending the schools under the new system of education were ever interfered with by the Roman Catholic clergy. This had repeatedly been asserted, but he challenged any hon. Member to show him a single instance of the kind—if they did not do so, what became of their declarations on the subject? The hon. and learned Gentleman opposite had spoken with a degree of bigotry which he was surprised that a man of education could exhibit. It was the remains of that bigotry which, thank God, the present Government had put down. They never could have a recurrence of that system which the hon. Gentleman was so anxious to see carried into effect. The late Government even had shrunk from adopting that system which the hon. Gentleman advocated. They had refused to abolish the new system of education, and fell back on the Kildare-place Society. All that he required was a modification of the law. He had been told that there could be no surplus. At the present moment there was a Protestant clergyman in every parish in Ireland—there was not a benefice or parish that was not filled up. Now, a certain number of these, on vacancies occurring, were not to be filled up; and was he to be told that no income would be derived from these parishes? Was there no difference whether or not the parishes were filled up? In the province of Leinster there were 2,200,000 Catholics and 183,000 Protestants. The Church was to be better apportioned to the wants of the latter than it at present was. It was, therefore, a monstrous absurdity to tell him that there would be no surplus in that province. The truth was, that the *animus* which was now manifested on the subject, originated in that paltry feeling of superiority which had been engendered in one party in Ireland, through the instrumentality of England, whose policy it was to create division. He trusted that the time was not distant when the Kildare-place society and its orators, and the Recorder and his judicial qualifications, would be estimated at their full value, and would sink into the insignificance they deserved.

Mr. *Shaw* said, in answer to the appeal made to him by the noble and learned Gentleman (Mr. O'Connell), that the Protestant religion did not consist in pounds, shillings, and pence; nor did he ever suppose, or say that that Bill, or any other act of a human legislature, could destroy the Protestant religion as such; but the Church Establishment of any country must be supported by money; and that particular form of religion to which the law annexed the property of the Church, constituted the established religion of the country—or, in other words, "the present Church Establishment, as settled by law within this realm." Now, that was the precise thing which the hon. and learned Gentleman, on his oath, had solemnly abjured all intention to subvert; and it was also the very thing which the hon. and learned Gentleman, in his published letters, since he had taken the oath, had declared it was his great object to abolish. [Mr. *O'Connell*, "It is false!" *Order, order!* He rose to order. He submitted that the right hon. Member was out of order in accusing him (Mr. O'Connell) of swearing to one thing, and doing directly the contrary.] [" *Order!*"]

Mr. *Finn* said, a grossly calumnious attack had been made on his hon. and learned Friend by the right hon. Member.

Mr. *Shaw* observed, that he did not intend to charge the hon. and learned Gentleman with perjury; but he contended, that he was perfectly justified in the argument he had used.

Mr. *Finn:* It is a false and atrocious calumny.

Mr. *Shaw* said, the hon. and learned Member had privileged himself to use what language he pleased. He had placed himself out of the pale of all civilized society; and nothing he said could have the slightest effect on the feelings of any Gentleman.

[Several hon. Members rose at the same moment; but there was much confusion, and loud cries of "Order."]

The *Chairman* stated, that if order was not restored, he must leave the Chair, and report the reason to the House. It was utterly impossible to proceed with the public business if seven or eight hon. Members rose at the same moment to address the Committee. He called on Mr. Shaw.

Mr *Shaw*: After the appeal which had been made from the Chair, would only say, that having heard the clergy of the religion to which he belonged, designated as so many cormorants, he naturally felt anxious to remove from a body of men whom he loved an imputation so foul and unmerited as that they were actuated only by the consideration of pounds, shillings, and pence. He wished to show, that the hon. and learned Member for Dublin had used a fallacy, to which he had often before resorted,—namely, that of confounding the religion with the Establishment. He would say no more about the matter then. But had not the hon. and learned Member in one of his letters said, that he would, if he had his will, have no Established religion—that he would let every one support his own religion? That was the hon. and learned Member's opinion; but was he justified in drawing the distinction he had drawn between the Establishment and the religion connected with it? When so many hon. Members rose in a manner which called forth such strong observations from the Chair, he was about to give his reasons why the hon. Member for Dublin had used the word "falsehood" to him. But, not to pursue that subject further, he would advert to the argument which the hon. and learned Gentleman had used in answer to the speech of his hon. and learned Friend, the Member for Bandon, with respect to schools being established within the precincts of convents. The hon. and learned Member for Dublin said, "Oh! if schools are held in such places, what mischief do they do?" He did not attempt even to deny the fact, and surely everyone at all acquainted with the principles on which the Board of Education acted, must know that this was contrary to the rules which they had laid down. Again, the hon. and learned Member for Dublin did not deny, that the books directed by the Board to be used in those schools were not to be found there, and that the only books in use were Roman Catholic books. These, however, were facts, which were all capable of proof, and therefore they were, wisely enough, left unanswered. He objected to any system of national, united education, because he was satisfied it could not produce any beneficial result. Whilst the schools were held in convents and monasteries no Protestants would attend them. The hon. and learned Gentleman had alluded to his spiritual ferocity; his, however, was not like the ferocity of the hon. and learned Gentleman, for that exhibited itself in a death's head and cross-bones over the door of every man who refused obedience to his commands.

Mr. *George F. Young* said, that whatever might be the expectations of the framers of the Bill there was still a possibility that there might be a disappointment in the surplus which they expected to realise, and at all events it was obvious that this surplus would not accrue until a period of time had elapsed. He did not yield much weight to the argument with regard to the motive which this measure held out for assassination, but those who had used that argument should admit the force of the reply,—namely, that by the present grant such motive would be done away with. The evils complained of in the course of the discussion on this Bill were not chargeable to the system of national education now pursued in Ireland, but were rather abuses arising out of the niggardly supply afforded for carrying that system into effect. For himself, he was ready to concur in every vote which had a tendency to increase the spread of intelligence in Ireland. With respect to the present grant, although prepared to support it, he entertained one scruple,—namely, that it was placed beyond the control of the House, and he hoped, that some means would be adopted to prevent any misapplication.

Mr. *Sharman Crawford* would not look upon this Act as a final settlement of the question, but rather as an acknowledgment in part that the Roman Catholics and Presbyterians ought not to be taxed for the support of the Establishment. The Bill professed to go upon the principle of population; but even in this it was delusive. No measure which did not go to the complete extinction of tithes, as an Ecclesiastical exaction, would, or ought to, satisfy the people of Ireland; and this measure could only be considered by the opponents of tithes in that House as an approximation and a step to their total extinction, and as such entitled to their support.

Sir *Henry Hardinge* said, that he never in any of the previous years when the grant for education in Ireland was proposed expressed an opinion or gave a vote on the question. When it became his duty to bring forward the grant, he looked to see what had been done by his predecessors; and finding it was impossible that benefit should not result from it, if it were fairly and honestly applied, he did not hesitate to give it his sanction. He had every reason to believe, that the system would in future have his support, but he would frankly state that much must depend on its being carried into effect in a *bona fide* manner. If such a course were taken, he thought it must prove salutary; but if not, the system would be most objectionable. If what his hon. and learned Friend had stated was true—if the Protestant children were treated in the monasteries and nunneries as he had described, then he would say, that the intention of the grant was perverted, and the Commissioners, if they did their duty, would take care that such abuses were not continued.

Lord *John Russell* said, that the explanation just given was exactly what might have been expected from the frank manner in which the right hon. and gallant Gentleman usually spoke. He agreed with the hon. and gallant Gentleman that any contravention of the rules laid down by the Board ought to be looked into. The rules, if good, ought to be observed; if imperfect, they might be amended. If they were contravened, an authority ought to be exercised to secure their due observance. He must say, it was a subject of regret with him that when the Government on a former evening brought this question before the House, the hon. Secretary of the Treasury under the late Government did not attend the Committee, and defend the present Ministers from the attacks of hon. Gentlemen opposite, to which they were exposed. Hon. Gentlemen on his side of the House had supported the late Government on this question; but they, in their turn, were not fortunate enough to have the support of those by whom the estimate was signed and proposed.

Sir *Henry Hardinge* believed that the late hon. Secretary of the Treasury, as well as the majority of the House, did not expect the vote to be brought forward on the evening when it was moved.

Mr. *Williams Wynn* begged to say, that he came down to the House intending to support the vote, but he found the feeling of the House so strong in its favour that he thought he might be spared. Certainly he was prepared to support it, and if any doubts had been entertained of its being granted, he would have voted for it.

Sir *John Hobhouse* said, that on the night in question there were forty-one of the hon. Gentlemen opposite, greatly to his astonishment, who voted against that very grant which had been introduced by the right hon. Baronet opposite. It was certainly most unfortunate that when the vote did come on—owing, he would not say to any defection, but to some unaccountable accident or other—not one of the hon. Gentlemen opposite, who would have supported the Motion, had they not been absent, was present. That being a vote which was viewed very invidiously—that being a vote which was much objected to—it unquestionably would have been more fortunate for the present Government if the speeches which they had heard this evening had been declared on the former occasion.

Sir *Henry Hardinge* said, it had not been stated that the miscellanecus estimate would come on that evening.

Sir *John C. Hobhouse* said, it was to his very great disappointment, on account of the high estimate he had formed of the hon. and learned Gentleman opposite, that he did find him opposing the grant which had been proposed by the hon. and learned Gentleman's political friends when in power, and that none of the late Government were there to support them in their utmost ne d.

Mr. Serjeant *Jackson*, was opposed to the principle on which the new system of education was founded. He rose, however, principally to notice the observations which the hon. and learned Member for Dublin had made upon him. The hon. and learned Member had alluded to the fact of his having been Secretary to the Kildare-place Society. It was true, that he had been Secretary to that society for twenty-five years, and there was no part of his conduct through life to which he looked back with greater satisfaction than to his exertions in support of that institution. The improvement in education in Ireland was, in point of fact, attributable to the indefatigable exertions of that board. The fact was admitted by the Report of

Commissioners appointed by a Government which was not favourable to the Kildare-place Society. Those Commissioners had rigorously examined into all the charges of proselytism which it was well known had been brought against the society, and the result was that they could not in even a single instance be substantiated. The Roman Catholic Bishop, Dr. Doyle, stated in his evidence that the society had issued 1,500,000 cheap books, to only one of which the Roman Catholic hierarchy objected, and that was a book of travels, in which the author stated, that he had seen a Roman Catholic priest at Rome giving absolution to a man who had committed murder. Dr Doyle further stated, that but for two inconveniences attended the Kildare-place system, he considered it a most excellent one. Now, what did the House suppose those inconveniences were? The first was, that the Scriptures were admitted into the schools without note or comment; and the second was, that books of religious controversy were excluded. He thought it was impossible to found any good system of education except on the basis of the Scriptures. All that he and those who thought like him required was, that there should be no garbling of the Scriptures. They would be satisfied if the children in the new schools were allowed to read even the New Testament unmutilated. He had not quite done yet with the hon. and learned Member for Dublin. A few nights since, he had occasion to remind the House that the hon. and learned Member for Dublin had written a letter to the hon. Member for Dundalk (Mr. Sharman Crawford), in which he stated, that although he had, last Session, consented to accept of a reduction of three-fifths of tithe-property, he would not be content until the whole was destroyed; upon which the hon. and learned Member denied, that he had so written. Now, he had brought to the House with him the hon. and learned Member's letter, from which he begged leave to read an extract in order to satisfy the House that he at least had not stated that which was untrue. The letter was headed, "Tithes, Tithes, Tithes," dated "Derrynane Abbey, September 27, 1834," and was addressed to "William Sharman Crawford, Esq.," and signed "Daniel O'Connell." The passage which he felt it necessary to read was as follows:—"It is quite true that I demanded for the present but a partial reduction—it was 3-5ths of the tithes. Why did I not demand the abolition of the entire? Why did I ask for no more? Because I had no chance, in the first instance, of getting the entire abolished, and you perceive that I was refused the extent which I asked, being 3-5ths, and only got from the House of Commons, 2-5ths. I had, therefore, not the least prospect or possibility of destroying the entire; and because I am one of those who is and have been always ready to accept of any instalment, however small, of the debt of justice due to the people—the real national debt—I have been, and am ready to accept of any instalment of that debt, determined to go on and look for the remainder as soon as the first instalment should be completely realized." Now, he begged to ask the hon. and learned Member whether he was sincere when a few nights since, he told the House that the present Bill was a pacificatory measure—that it would be final and conclusive, and that after it passed, there would be no more disturbances in Ireland? How was it possible to reconcile the contradictory statements of the hon. and learned Member? Which were they to believe? Did he tell the truth now, or—he begged pardon for having put the case in that way, and would not proceed with the question. The hon. and learned Gentleman's statements, however, were utterly irreconcilable, and it was desirable to know which represented the real state of his mind. To quit this subject, and return to the question immediately under discussion, he (Mr. Jackson) had complained, that the schools under the new system were in some cases held in convents. The hon. and learned Member met that complaint by asking whether the Protestant children had been tampered with. They had not, because there were none to be tampered with; for Protestant parents would not allow their children to go into convents. The hon. and learned Member left his objections entirely untouched, and yet he was cheered by the Members around him.

Mr. *Ronayne* remarked, that the hon. and learned Member had lost a good deal of time in endeavouring to convince them that he was opposed to the new system of education. The hon. Member had only to state that he was Secretary for so many years to the Kildare-street Society, to render any assurances unnecessary that he was opposed to a system which did not sanction proselytism. The right hon. Gentleman opposite (Mr. Shaw) had talked of agitation. Agitation forsooth! When he himself was one of the most notorious agitators in the country, addressing to the Corporation of Dublin language that was not fit to be used by any hon. Member of that House, and that was particularly unbecoming a Judge and a Privy Councillor.

Mr. *Hume* asked in what manner the House was to have an account of the expenditure of the money proposed to be granted.

Lord *Morpeth* said, that the monies issued under the direction of the Treasury would be always accounted for.

Mr. *Hume* thought that it would be much better that the money should be voted annually.

Lord *John Russell* said, that there was no objection to the insertion of a provision, in the Committee on the Bill, requiring an annual account of the money expended to be produced.

Mr. *Hume* still thought it would be more desirable that the House should have an opportunity of discussing the subject of the grant, on annually voting.

Resolution agreed to, and the House resumed.

County Coroners.] The House went into Committee on the Bill for regulating County Coroners.

On the Clause providing that fees should be paid to the medical men who were called upon to give evidence before a Coroner's Jury,

Mr. *C. Barclay* moved an Amendment, to the effect that the fee to be given should in no case be less than 1*l.* or more than 2*l.*

Mr. *O'Connell* said, that this part of the Bill would open the door to the widest jobbing. The Amendment might as well propose at once that the fee should be always 2*l.*; it might be regarded as certain, that no Coroner would give his cousin less than 2*l.* He hoped that the House would reject the Clause altogether.

Mr. *Cripps* said, that the Amendment was not his, and that he objected to it entirely.

The Attorney-General also objected to it, and said, that the Clause was not of his framing.

An *Hon. Member* said, that at present no remuneration was allowed to medical gentlemen for the performance of the duty in question—which was one of much danger; many surgeons had lost their lives by dissecting exhumed bodies, and yet medical men were by this Bill liable to be called before a Coroner's Jury at any time. Ought they not then to be remunerated? The remuneration might be accorded by the Jury, and thus all jobbing, so far as the Coroner was concerned, would be avoided.

Mr. *O'Connell*: Such an amendment would only lead to greater jobbing; for the Coroner would in that case have to summon such a Jury as he thought would readily grant to the surgeon (in all probability his cousin, or some other near relation) as large a sum as could possibly be granted.

An *Hon. Member* said, that the Coroner had nothing to do with the summoning of the Jury—it was the constable who summoned it.

Mr. *O'Connell*: Yes, nominally the constable, but no one could reasonably doubt that it was the Coroner's Jury, for it was he who signed the panel, and the inquest was in fact his.

Mr. *Warburton* considered that 2*l.* was but small remuneration for a respectable surgeon, when it was necessary to open a body.

Mr. *Wakley* hoped that this Bill, which was a subject of great consequence, and which affected the interests of all classes of persons, would be allowed to proceed. He could not help expressing his sorrow that a proposition for giving but inadequate remuneration to those without whose testimony a Coroner's inquest would be a mere farce, should be received at his side of the House in the tone and temper with which it had been met. The hostility which the hon. and learned Member for Dublin had displayed to the proposition really surprised him, because his hon. and learned Friend must be aware that there was an Irish Act called one of the Grand Jury Acts, which empowered the Coroner to give the surgeon four guineas. But his hon. and learned Friend was apprehensive that if the surgeon who attended inquests was fairly paid for his services that jobbing would ensue. He knew not in what manner these inquests were held in Ireland; but from the mode in which they were conducted in this country, he felt perfectly convinced that no jobbing whatever would take place under them. He considered the fee of 2*l.* too small a remuneration for the performance of so exceedingly disagreeable and painful a duty. It was most dangerous to life; and the Insurance Offices required a higher premium to be paid on effecting an insurance on the life of a surgeon on account of this circumstance; and some offices, in consequence of their having to perform such a duty, refused to insure the life of the person liable to it at all. In many instances the surgeon had to examine cutaneous diseases, of which there was some danger of contagion, and he had frequently to examine the whole of the organs of the human body, and even after this examination it was not a very uncommon occurrence that he was at a loss to account for the cause of death. When such were the means obliged to be taken by a surgeon to acquire information as to the cause of death, it was quite impossible that any other person connected with the inquest could know anything of the matter considered as a medical subject. He objected to the Amendment which had been proposed, not because it directed that too high a sum should be paid to the surgeon, but because he considered it too small. He was of opinion that the surgeon ought to receive instead of 1*l.* 3*l.*, and in no case less than 3*l.* If he were paid 10*l.*, it would not, in some cases, be extravagant. He knew a *post mortem* examination to last eight hours, and even then the inquiry was not considered satisfactory. Would any man say, that a respectable surgeon in extensive practice would be overpaid, if on such an occasion he received 3*l.*? The House should bear in mind that, whenever any proposition for the payment of Barristers was made, it was acceded to without the slightest hesitation. Thus Barristers were, for instance, sent on Commissions of Inquiry throughout the country, travelled in their coaches-and-four, enjoying the scenery and prospects which the country displayed, and received their travelling expenses besides five guineas a day. But if the surgeon travelled twenty miles to an inquest he was not allowed a farthing. It had been said, that the Coroner generally called in his cousin, who was a surgeon. The Coroner had not the power to do so; for the medical man who was known to possess most skill in the district in which the occurrence which gave rise to the inquest took place, was generally called in. If the House bestowed the slightest calm consideration on the subject, they could not, he thought, refuse to give to the medical man, who had so onerous and painful a duty to fulfil, a fair and just compensation.

Captain *Pechell* thought that the hon. Member for Finsbury's proposition of substituting 3*l.* for 1*l.* would be a great improvement. But there was such a circumstance as the case of an inquest having sat on the body where the party turned out afterwards not to have been dead. A person had been supposed to have been drowned, an inquest sat on the body, and the verdict was "Found drowned." The exertions of the Humane Society restored that supposed lifeless body to animation again, and life continued for twenty-fours afterwards. What would the hon. Member for Finsbury propose that the surgeon who had attended should have in such a case as that?

Dr. *Bowring:* No *post mortem* examination could take place until after death.

Mr. *Wakley:* Oh, yes, there can; I know an instance in which there were three inquests held on the body of a woman in the London Hospital. The Coroner was an attorney; and I am informed that, after holding the first inquest, on proceeding to hold the second, the woman was discovered eating oysters.

Mr. *O'Connell:* Talk of Irish jobbing after that! At this side of the Channel it appeared that a person might die three times. Surely no Irish lawyer could boast of getting such a fee, and all for nothing. With the high opinion entertained by his Friend, Mr. Wakley, of the services of a medical man, he did not think any one would employ him on an inquest. He was present at 200 trials where medical men were examined, and paid for their attendance; and his opinion was, that they were not overpaid for their services, as they furnished material information. They talked a great deal of *sinciput* and *occiput*, and *extravasations*, but they gave, after all, no more information than the Jury could arrive at without their learned aid; in most cases every one could tell the cause of death.

The blank in the Clause was filled up with the words "two pounds."

On the proposition that the expense be paid out of the county rate the Committee divided.

Ayes 117; Noes 23; Majority 94.

An objection being made to the mode proposed by the Bill, it was given up.

The House resumed.

Polls at Elections.] On the Motion that the House resolve itself into a Committee on the Polls at Election Bill, Colonel Sibthorpe moved that the House do adjourn.

The House divided—Ayes none; Noes 85; Majority 85.

The House went into Committee on the Bill.

On the 5th Clause,

Colonel *Sibthorpe* objected to proceeding with the Bill. It was a decidedly Radical measure, most unconstitutional, and destructive of all order.

The *Chancellor of the Exchequer* supported the Bill, because it was calculated to preserve order and correct abuses at elections.

The Earl of *Lincoln* opposed the Bill because it contained no provision against intimidation, which was as great an abuse as corruption. The Bill which the hon. Member for Middlesex formerly introduced provided for the adjournment of the poll in the case of a riot. He wished a similar provision to be introduced into this Bill.

The *Chancellor of the Exchequer* agreed with the noble Lord, that intimidation ought by all means to be provided against; but he believed that by the present law there existed a power to adjourn the poll in the case of a riot.

Clause 5 was agreed to.

The remainder of the Clauses agreed to, and the House resumed.

## HOUSE OF LORDS,

### *Thursday, July* 30, 1835.

Minutes.] The Royal Assent was given by Commission to the following Bills:—Stamp Duties Offices' Consolidation; Merchant Seamen; Property in Infants' (Ireland); Contempt in Equity (Ireland); General Turnpike Act Amendment; as a Number of private Bills.—Read a third time:—Lunatic Act Continuance.

Petitions presented. By the Dukes of Newcastle and Wellington, the Marquess Camden, Earls Verulam, Harewood, and Shaftesbury, Lords Skelmersdale and Lyndhurst, from a Number of Places,—against the Municipal Corporations' Bill.—By the Earls of Westmoreland and Beauchamp, and Viscount Strangford, from a Number of Places, against the same Bill—By Lord Foley and Lord Brougham, from several Places,—in favour of the same.

Corporation Commissioners (Tiverton).] The Earl of *Harrowby* begged leave, on presenting a petition from the Corporation of Tiverton, against the Municipal Corporation Bill, to rectify some statements respecting his own conduct, in the Appendix to the Report of the Commissioners. The noble Earl then proceeded:—It is stated that there was produced to them a copy of a letter, without address, in the handwriting of Mr. Bevis Wood, a late Town Clerk, desiring the person to whom it is addressed to use his influence to procure the appointment of Duntze as Receiver General of one of the districts of the county of Devon.—This letter is written in the name of the corporators, said to be thereunto subscribed. The postscript is as follows:—"You will please to remember that this our recommendation of S. Duntze is on this condition, that he reside and keep his offices in the town of Tiverton, and that he agree to make an annual allowance to the corporators of the sum of 20*l.* for every shilling in the pound land-tax, which now amounts to 80*l.* yearly." It is further stated, that this letter was sent to me, and that P. S. Duntze was appointed, and regularly paid the Corporation the stipulated sum of 80*l.* per annum for a certain period. It is, however, added, that the late Town Clerk, Mr. John Wood, said that I was not a party to the condition attached to the recommendation of P. S. Duntze. I cannot rest satisfied with this half-accusation and half-acquittal. If these were, in reality, all the facts of the case—if I had been really cognizant of this transaction, and acquiesced in it, I must plead guilty to the implied charge of having been a party to it. The whole of the facts, however, are these; and although at the distance of thirty-four years, my recollection of them is sufficiently accurate to enable me to verify the substance of them in the most solemn manner. On the occurrence of the vacancy, P. S. Duntze, who was the son of my late colleague, and a personal friend of mine, applied to me to procure for him the vacant office. At his personal request alone I asked this favour of Mr. Pitt, and received every possible encouragement short of an absolute promise. Subsequently to this interview an intimation reached me (whether by the receipt of the above letter and postscript, or by some other written communication I cannot now be certain, but it is of no importance) that some arrangement of the nature there mentioned had been in contemplation. I took this communication to Mr. Pitt, and told him that unless I received the most unequivocal assurances that all ideas of such an arrangement was abandoned, I must withdraw my application. I wrote to that effect to Tiverton. I received those assurances—I communicated them to Mr. Pitt, to whom, as well as myself, they were perfectly satisfactory, and P. S. Duntze was appointed. The fact of annual payments having been made by him is stated in the appendix. He may have made them voluntarily, under an erroneous impression that his appointment was in fact owing to the recommendation of the Corporation, whereas it was that interference which produced the only difficulty. It was certainly kept carefully out of my knowledge, as when I served the office of mayor some years afterwards I never heard of any such payment. It is further stated that a similar payment was made by Mr. Hamilton, also one of the Receivers General; but as his appointment was made in 1765, I do not think it necessary to say anything in my own behalf, or in that of the present Corporation. The Commissioners proceed to say that the extraordinary nature of these arrangements induced them to institute a strict inquiry as to this portion of the corporate revenues (as if it were a regular item.) "We found that very numerous appointments in the Church, as well as in various departments of the public service, had been obtained by members of the Corporation, and by their friends and connexions; but it did not appear that the Corporation derived any direct pecuniary benefit from any of the appointments so obtained, except in the cases of P. S. Duntze and Mr. Hamilton. It must, however, be stated, that, from the negligent manner in which the accounts of the Corporation have been kept, it was impossible to obtain any accurate or satisfactory account of the receipt or expenditure for very many years." This insinuation I can positively aver to be perfectly groundless. No application, to the best of my recollection, was ever made by the Corporation, except in one case for an office of very small amount, as a mere matter of charity. To the accusation, as far as it respects myself, of having as opportunity offered, during a connexion of forty-seven years, done service to those who were doing service to me and to my family, I should be sorry to be able to plead not guilty. Such an interchange of good offices is a legitimate bond of friendship in public as in private life; and if any noble Lord who has been connected with Parliamentary interest will assert that he has not done the same—is not now doing the same—and will not persist in so doing —I am willing to submit to the whole weight of his censure. Petition laid on the Table.

CORPORATION REFORM — HEARING COUNSEL.] Lord *Brougham*: My Lords, I take this opportunity to notice a misrepresentation as to my conduct with regard to hearing Counsel upon the Municipal Corporations' Bill. There is no one who cares less than I do for what is said about him, whether it be with regard to what I say and do here or in any other place. No man, my Lords, can have lived as long as I have lived in the world without knowing that it is the common lot of humanity to be occasionally abused and misrepresented. Without expressing what I feel as to the charge that has been made against me, I am entitled to state that there never was any charge more utterly groundless than that which has been brought against me by a Ministerial newspaper. Newspapers I will not say having the patronage of the Government, nor will I say under the protection of the Government, certainly not the patronage and protection of my noble Friend; but newspapers which have taken my noble Friend under their protection. I do not think if I were allowed to give an opinion on the subject, that the attack is a very judicious one; because one like myself, unconnected with the Government—never saying one word against the Government—and I am happy to say that I have not had occasion to do so—but uniformly defending and supporting it: I therefore say I do not think it the most judicious course—because sometimes my advice may have been deemed useless advice—although it was ever humble, sincere, and well meant, and I gave it at all times conscientiously —that I should be attacked in the manner I have been by those who are under my noble Friends' protection, or who have taken my noble Friends under their protection. I am sure that the attacks did not proceed from my noble Friends. I am sure that they disapprove altogether of such attacks. I know them too well to believe that they had any hand whatever in it; for they are men of sense—but their underlings are those who have made the attacks. One man is disappointed at not getting anything while I was in office. Another is vexed for some similar reason. It is they who are the authors of these attacks. It is not, I repeat, the principals who have done this; it is the underlings instigated by the sort of motive I have described. One of the charges made against me, my Lords, is that which, probably, many of your Lordships would think no charge at all. The whole blame is thrown upon me of the delay which is to be occasioned by hearing Counsel against this Bill. I know that I have the answer to that charge in the breasts of your Lordships; but I have also another antidote to it—I have the antidote in another part of the same paper; for the honest and faithful reporters tell what I really did say, but the writer, not choosing to look at what I did say, but with the vile purpose of misrepresenting me, had recourse to his own fancy, and fancied things which I never did say—things which were never done—though the first page of the same paper contained a true statement of what was said and what was done. But people will not always read fair statements before they make comments on them; they had rather have recourse to imagination. Perhaps it is more pleasant to utter reproof than to yield praise, or even than to be silent; and the reader may not read the report of the debates, but may turn to the leading article to get a knowledge of them. Your Lordships know what I did say. I said, and I argued, perhaps at too great length, against hearing Counsel at all. I said that if you heard them on one side, you could not refuse, if required, to hear them on the other. I entered into calculations on the subject. I told you that it was not done in the Irish 40*s.* freeholders' case—all my arguments were directed against hearing Counsel at all. I said, now let it be distinctly understood what I say—let it not be misunderstood,—that I am decidedly against hearing Counsel; I resist, I oppose it altogether; but I see a great number of your Lordships, and in fact the majority, to be in favour of hearing Counsel, and therefore I shall be glad if I can make any proposal that will meet the view of the noble Duke. That is what these men think deserving of censure. As they advise me in the conduct of a case of an action at law, they would advise the noble Duke opposite in the conduct of an action of another sort—in the conduct of a battle; but I prefer, as he would prefer, to fight my own battle in my own way. My Lords, I consider that this Bill is my own battle—I was the author of the Commission—I originated the Bill in this House—I shall fight as good a battle as I can in favour of the Bill, and with great submission to them, I will not make an exception to that rule of the practice of our Courts, which declares that where you have Counsel and leaders, if the leadership be worth having, you shall be guided in the conduct of the cause by your own judgment, and by your leader's judgment, but not by the wishes of your client. I shall do so here, and my client will thank me in a few days for having pursued that course. I was not to lose the battle at once, as these persons advise; for such really is their advice—"Oh, lose it, to show your pluck." That is what they advise. Why not divide and stand alone? My Lords, that was not my plan. My plan was to get as good a bargain as I could; and to tell your Lordships the truth, I think that I did make a good bargain. I was ready to consent to hear two Counsel in order to get rid of the proposition of hearing Counsel for every borough that chose to ask it.—[Viscount Strangford intimated that that was not his proposition.]—I see what my noble Friend means—he does not want such long arguments of Counsel, he shrinks from the idea of it—*animus meminisse fugit.* I only mean to state this, that I did my best to avoid the consequences of the proposition then made. I shall not say more, than that I feel it necessary to make this statement of what really did occur; for otherwise it would be represented out of doors, that any long speech of Counsel that may take place, will be the consequence of my conduct, when, in fact, my plan was to avoid this as much as possible. I hope that the event will prove that I made an admirable compromise. It is represented that the only object of hearing Counsel is to delay the Bill. My Lords, there is no wish for delay. I say that, first upon the authority of the positive assertion of the noble Duke, and next because no man could obtain delay in the progress of the Bill; for if I am ready, as I am, to sit here from morning till night up to next Christmas, to hear Counsel on the Bill, there can be no hope of delaying it by that means.

Lord *Ellenborough* said, that there were several petitions praying to be heard by

Counsel against the Bill, and he thought that their Lordships should make an order on the subject; for at present there were only a few of the boroughs about to be heard by Counsel, and it was important to regulate who should be heard.

The Earl of *Falmouth* said, that the House had agreed that two Counsel on behalf of certain parties should now be heard, to argue against the principle of the Bill. That was all the House had to do now.

The Marquess of *Lansdowne* hoped, that nothing would ever induce the House to hear Counsel on the principle of the Corporation or any other Bill. If their Lordships should once agree to do that, they would be laying down a most inconvenient, and indeed a most dangerous precedent, and one on which, if he had divided alone, he would have taken the sense of the House before agreeing to it. He concurred with his noble and learned Friend (Lord Brougham) in the wish to limit the hearing of Counsel as much as possible. Of course they could not shut out the consideration of the principle of the Bill altogether; but the Counsel were to be heard on the details, and on the details should have the opportunity of stating the degree in which the Corporations they appeared for thought their rights and privileges would be affected. In that view he found their Lordships concurred. He really thought it most material, not with a view to this case alone, but with a view to the order of the proceedings of their Lordships' House, not to let it go forth, that their Lordships would call Counsel to the Bar to argue on the principle of a Bill, which principle it was their duty and their right to discuss, determine, and decide for themselves.

The Earl of *Falmouth* said, that the noble Marquess had misunderstood what he meant. He meant, that Counsel were not to be precluded from entering into observations on the principle of the Bill.

The Earl of *Mansfield* understood the intention of their Lordships to be to hear the arguments of Counsel upon the principle of the Bill—not as a legislative measure, but as it would affect those towns which had petitioned against it; and further, he understood, that besides being heard on the principle, Counsel should be at liberty to be heard on the conduct of the Commissioners in procuring the evidence on which the Bill was founded. With regard to the details of the Bill, he certainly did not apprehend that it was the intention of the House to preclude corporate towns from presenting petitions claiming to be heard on those parts of the Bill which particularly affected their interests. The House had made no order upon the subject, but he certainly understood that it was open to Counsel to be heard on those points of detail as well as upon the general principle. He merely mentioned this, that there might be no misunderstanding.

The Marquess of *Clanricarde* did not think that they had even yet come to a proper understanding upon the point; because, if the noble Earl's view were correct, it would appear, that the two speeches, of which the noble and learned Lord spoke the other evening, were not the only two speeches that the House would have to listen to. In that case the arrangement was not so good as it was supposed to be.

Lord *Brougham* really did not understand the noble Marquess. Did the noble Marquess mean to say, that he would have recommended coming to a division against the majority of seventy or eighty who were ranged on the opposite side of the House, and who were determined not to be satisfied unless Counsel were heard? It appeared, that the noble Marquess was one of those who, out of doors, attributed to him a desire to delay the progress of the Bill. But let the noble Marquess take his place, and ask himself whether, as a sincere advocate of the Bill, he would not have pursued the same course?

The Marquess of *Clanricarde* was not one of those who, out of doors, took notice of the conduct of the noble and learned Lord; but he claimed his privilege of appearing in that House, and finding fault with a course of proceeding which he thought neither convenient nor proper. He should have stated his objections to it the other evening, and more than once rose for the purpose of doing so, but was prevented by the three or four times repeated speeches of the noble and learned Lord. He appealed to the common sense and common understanding of their Lordships, to say whether the opinion expressed by the noble and learned Lord, as to the understanding come to the other evening was not widely different from that expressed by the noble Earl (Earl Mansfield) who spoke from the opposite side of the House. Before they adopted the course of hearing Counsel at the Bar, he wished to know whether it were possible to reconcile that with justice, common sense, or precedent; it was true they had been told of precedents, but he was at a loss to find one exactly in point. It was obviously necessary, before Counsel were called to the Bar, that an exact understanding should be entered into as to the points to which their argument should be limited, if, indeed, it were to be limited at all. No order of any kind had been made upon the subject. The Motion, as he understood it, was, that all those who had petitioned against the Bill should be heard by Counsel, and that the Counsel called in should be at liberty to argue the case of all.

Lord *Ellenborough*: What I propose is, that an order shall be made directing that all who have petitioned to be heard shall be allowed to be heard, in order to enable the Counsel to appear at the Bar. If no such order be made they cannot appear at all.

The Marquess of *Clanricarde* knew that there were precedents for hearing Counsel at the Bar; but then Counsel were appointed for every particular person who claimed to be heard, as, for instance, in the case of the slave-trade. He did not mean to say that there was not as much reason to hear Counsel in the present case as there was in the case of the slave-trade; all that he wanted to know distinctly was, whether there was to be any limit to the argument of Counsel. If there were to be no limit, at least let there be no delusion upon the subject; let it be known that they were going to hear every person who had petitioned against the Bill by Counsel at the Bar of the House.

Lord *Brougham* would again endeavour to explain to his noble Friend. It was distinctly laid down the other night, and distinctly admitted by all sides of the House, that no person had a right to be heard—that it was a matter wholly and exclusively within the grace of the House, as to whether a party should be allowed to be heard by Counsel or not; that the House would allow all these various boroughs, eighteen in number, or thereabout, which had petitioned, to be heard by two Counsel. The House gave that right to no other party—it let in no other party—it did nothing by which a pretext could be raised for hearing any other party, or any other Counsel whatever. His noble Friend opposite had justly observed, that there were petitioners come in that night who were not included in the first order; but who, as their complaints were the same, ought not, in his opinion, to be excluded from it. His noble Friend's suggestion was a very fair and very proper one, and all they now did was, to allow these later petitioners to be heard, if they pleased, through the medium of the two Counsel who were to appear for the rest. And this was the great delay of which the noble Marquess stood in so much horror. Why, in point of fact, the few observations that the Counsel would find it necessary to address to the individual cases of the boroughs, which, if they pleased, might be let in in the manner he had just stated, would not create so great a delay as the interposition of the noble Marquess had already created. If the parties in question should not elect to be heard by the two Counsel who appeared for the rest, it would be for their Lordships to say whether they would allow them to be heard by any one else. He for one should require very good reasons to induce him to assent to such a course. But then the noble Marquess said, "The precedents are all the other way; if you profess to be guided by precedents, you are bound to hear every party separately." Moreover, the noble Marquess had complained of his having made four speeches; but as often as men did not understand what was said, and did not keep their misunderstanding in silence, but broke out and charged those with creating delay who did not create delay, but took the best course for avoiding delay—as often as he found men obstinately persisting in that mistaken course, he was bound to rise and set them right. "But (said the noble Marquess) the course now proposed to be taken is contrary to precedent." That showed, that however frequently he might have troubled the House the other night, he had, at least, spoken once too seldom, because on that occasion he expressly stated an instance—not the instance of the slave-trade only, but another case in which there had been a consolidation similar to that now proposed with respect to the hearing of Counsel. He alluded to a case in which he acted as Counsel, in which five different persons, having five different petitions, and five different cases, all consolidated their applications into one case, intrusted that case to him (Lord Brougham), and he spoke once, and but once, for all those five parties. If the noble Marquess would refer to the Journals of the House in the months of April and May 1808, he would find that they bore witness to the accuracy of what he was then stating. Their Lordships, in fact, had always the matter in their own hands. If on any day, or any hour of any day, they found that the arguments were conducted in such a way as to create so serious a delay as to threaten the defeat of the Bill, it would be in their power at once to put a stop to their proceedings. And he asked any man of common sense, which course was most likely to succeed—who was most likely to carry that House and the country along with him in his principle and his object—he who, in the exercise of his best judgment, and as the hearty friend and firm supporter of the measure, recommended the adoption of such a course as he had suggested—he who ventured to make a compromise with a large majority of the House, or he, who setting that majority at defiance, at once induced it to demonstrate its power by a decisive vote? He maintained that the course he had proposed was the course most likely to carry the measure through.

The Marquess of *Clanricarde* was far from accusing the noble Lord of desiring to create delay, but he did not think that the noble and learned Lord was justified in presuming that the friends of the Bill were in a minority in that House. He did not believe that they were so. He believed that a majority of their Lordships were prepared to accept the Bill, and until he were convinced to the contrary his opinion as to the course pursued must necessarily be different from that of the noble Lord.

The Question that Counsel be called in was put and carried. Sir Charles Wetherell and Mr. Knight appeared at the Bar and proceeded to address the House on behalf of the Corporations. Only Sir Charles Wetherell spoke, and his address lasted three hours.

Lord *Brougham* said it was almost unnecessary for him to remind their Lordships that the learned Counsel must be in a tate of great exhaustion, from the length at which he had addressed their Lordships; and that it would be but granting an indulgence which ought certainly to be extended to him, if he were allowed to retire for ten minutes. Their Lordships too, no doubt, required some slight relief after the fatigue they had undergone, and he should therefore move that the House adjourn for ten minutes.

Motion agreed to.

Lord *Kenyon* informed their Lordships that the learned Counsel, from the extreme heat of the House, and the great exertion he had made, found it quite impossible to proceed with his address that night. He was sure that their Lordships would extend their indulgence to the learned Counsel so far as to allow him to resume his address to-morrow.

Lord *Brougham* observed that nothing was more proper than to take into consideration the great exertions made by the learned Counsel, and also the extreme heat of the House. It would, however, he thought, be well if the learned Counsel were to proceed with his address at three o'clock to-morrow.

Viscount *Melbourne* did not think that the learned Counsel could, under the circumstances, be fairly called on to go on with his address at present; but when he made that admission he could not help reminding their Lordships that it was agreed on all sides, and in every quarter, that this proceeding should be dispatched with as little delay as possible. If their Lordships were not to meet until the usual hour to-morrow, he was afraid that the learned Counsel would occupy a greater portion of time in their addresses than the two days to which it was, in the first instance, intended that they should be confined. He therefore suggested that means should be taken to shorten the delay occasioned by this proceeding as far as possible, and that their Lordships should, with that view, meet at an early hour to-morrow, in order, if possible, to insure a compliance with the general arrangement which had been entered into.

The Duke of *Wellington* said, that they had still to-morrow and Saturday to hear the speeches of Counsel; but if their Lordships were to meet at an earlier hour than five o'clock, great inconvenience would ensue to those Peers who had to attend Committees, or were engaged in matters of a similar description. They might, however, obviate the danger of delay, by postponing all other business which might precede the hearing of Counsel. All he desired was, that it should be impressed on their Lordships that sufficient time ought to be allowed them to consider the information with which they were furnished, before they proceeded to the discussion of this Bill.

Lord *Brougham* quite agreed with the noble Duke who spoke last, that the business of Committees, and other business of that nature would be interfered with, if their Lordships met to hear Counsel on this Bill at an early hour, such as ten or twelve o'clock. But no such difficulty lay in the way of their meeting at three o'clock, for the Committees would then be over. With respect to the delay which had, it was said, been caused by the hearing of Counsel, he should only say that as far as the address of the learned Counsel had gone, his predictions that, so far from any unnecessary delay being caused by allowing Counsel to address that House, their own debates would be much shortened by their so doing, were completely verified. The learned Counsel, had with great distinctness, and by a very judicious mode of statement, referred to the principal points of objection to this Bill; the minds of their Lordships were brought to bear upon these points, and, instead of floundering amidst a vague mass of objections, they came prepared to discuss the measure in a much more concise and distinct manner than if they had no such statement as that of the learned Counsel for their guide.

The Duke of *Cumberland*: Supposing that their Lordships were to meet at three, the best course would certainly be that they should proceed without interruption in this proceeding.

Lord *Lyndhurst* was of opinion that their Lordships might meet at the usual hour (five o'clock), and yet get over this proceeding in the prescribed time. By commencing at five o'clock, the learned Counsel who had addressed the House that night, might, he thought, finish his address by eight o'clock, and thus afford time to his brother Counsel to conclude within the appointed time. He would take that opportunity of expressing his concurrence in the opinions expressed by the noble and learned Lord (Brougham) for the reasons which he had stated, because the learned Counsel had, as far as he had gone, brought under review all the strong points of objection to this measure, and thus directed the attention of their Lordships at both sides to them, for the purpose either of supporting or opposing the Bill.

It was finally arranged that the House should meet at the usual time.

## HOUSE OF COMMONS,

### *Thursday, July* 30, 1835.

MINUTES.] Bills. Read a second time:—Public Walk and Public Institutions.

Petitions presented. By Mr. HUME, from Mr. Macinries, High Sheriff of New South Wales, for an Inquiry into the Conduct of General Darling; and by Mr. H. L. BULWER, from Marylebone, to the same effect.

LEITH HARBOUR.] Colonel *Leith Hay* moved that the Report of the Trinity (North Leith) Harbour Bill be taken into consideration.

The *Chancellor of the Exchequer* rose with reluctance to oppose what might be termed a private Bill. He was of opinion that the Government ought not to interfere with the private business of the House as a Government. Such had been his uniform practice during the time he had been in office. There were, however, occasions when it became the duty of the Government to take part in such business, as for instance, when a private Bill touched or trenched upon the interests of the public generally; it was then the bounden duty of the Government to lay the case, as it affected the public, before the House. He was unwilling to lead the House to suppose, that he intended to throw the slightest blame upon his hon. Friends who had the care of the Bill—their conduct had been most fair and open; but as the collateral interests of the public were likely to be interfered with by the present Bill, he found that his duty compelled him to oppose them. It would be in the recollection of the House, that a sum of 240,000*l.* was advanced by the Treasury for the purpose of completing the Leith harbour and docks; that money was advanced upon the security of these docks In the present state of the affairs of the city of Edinburgh, there was very considerable difficulty in providing means that the money should be repaid. He did not mean to be understood as saying, that it was to be considered as altogether irrecoverable, but there were considerable doubts on the matter. Now, the interests of the Crown and the public were likely to be much prejudiced by this Bill. If it were allowed to pass in its present state, no doubt the value of the property would become less, and the consequence would be, that the Government could have no other object left to pursue but that of directing immediate steps to be taken against Leith and Edinburgh for enforcing the rights of the Crown — a course which he should be very unwilling to see adopted, for it might be productive of consequences impolitic to hazard. His right hon. Friend, the Lord Advocate had abandoned his intention of bringing forward his Bill this Session, and, therefore, he was constrained, as an act of public duty, to oppose the further progress of the present measure. The parties had been all along forewarned that, if they did proceed in this matter, they did so at their peril. He had told them, that at some future day he must oppose them; therefore the question of the stage at which the opposition was offered was disposed of. He referred the House to the Report of the Select Committee appointed to inquire into the present state of the harbour of Leith, a Committee in every way calculated to inspire the House with confidence, of which his right hon. Friend (Mr. Labouchere) was the Chairman. The recommendation of that Committee, was, recommending the Government to abandon the debt. But the Government could not abandon that debt unless they saw that some good were to be the result, which point could not be ascertained without local inquiry. If this Bill were persisted in, under present circumstances, Government would be deprived of that opportunity. He did not oppose the principle of the Bill, and next Session it might be supported by the Government. It was important for the Government to inquire how far the sacrifice of such an immense sum of the public money would be productive of public benefit. Upon these grounds he moved the postponement of the further consideration of the report until that day two months.

Mr. *Tooke* was ready to give the fullest credit to the Chancellor of the Exchequer for his disinclination to interfere with private Bills, but he thought that he had taken a most severe course on the present occasion; the parties had come into the House a second Session in the hope that they might succeed. The question was, whether the Government should, by negotiating for the recovery of a bad debt, obstruct a good measure. He considered it a matter of extreme hardship to those parties that they should be driven to the enormous expense of coming before Parliament a third Session to procure that which the whole course of the evidence proved to be fraught with great public advantages. There was no pretence for alleging that this harbour was not desirable, but the promoters of it were to be put to the expense and delay of another twelve months, without any compensation for the anxiety and expense of two Sessions, during which they had been endeavouring to get this Bill passed. He did not think that this was a Measure on which the strength of the Government ought to be put forth.

Admiral *Adam* observed that he had not only considerable local knowledge, but from his profession, great experience on the subject under discussion, and he would state most decidedly, that his reason for opposing the Bill was, that he did not believe it would effect the objects which the public desired, and the Bill professed to keep in view—namely, constructing the best possible low water harbour that could be placed upon the shores of the Frith of Forth. He was of opinion that the harbour, as laid down, would not be the best possible low water harbour. There were so many faults and defects in the plan, that, in his opinion, it would be improper to allow this Bill to proceed, as it would prevent others, at a future period, from constructing an adequate harbour. Looking at the Question in another point of view, he would oppose it. Immense sums had been laid out on the works at Leith, and it would be only justice to the public, who advanced those large sums of money, and to those who were connected with the place, that an opportunity should be given to them to place a low water harbour in such a position as would adapt these great, he might say, stupendous works, to it. It was ridiculous to sacrifice so large a sum of money, when by a small delay, arrangements might be made so as to make the best possible harbour, and profit by the works already constructed. The evidence completely supported him in his opinion, and he had not the least hesitation in opposing this measure.

Sir *William Rae* unhesitatingly concurred in the remarks that had fallen from the hon. and gallant Member. He did not think there was any hardship in the case, and the House, in his opinion, would do perfectly right in opposing the Bill.

Colonel *Leith Hay* said, that in taking charge of the present Bill, he considered he was doing that which would not only be for the benefit of his own country, but of that of the country at large. The situation of the harbour of Leith was such as to render it impossible to be of much service, and the sooner some other harbour was erected the better. He must do his Majesty's Ministers the justice to say, that they had not, during the present Session, concealed from the parties bringing forward this Bill, their intention to oppose it. He, however, put it to the House, whether the measure were necessary or not. Was it right, he would ask, to go on year after year, putting off measures that were calculated for the good of the harbour of Leith? If it were the opinion of the House that the Bill compromised any public good, the House should take its own course. He considered he had done his duty in advocating the introduction of this Measure, which was not a private, but a most important public Bill.

Mr. *Labouchere* said, that if the House passed the present Bill, they would affect most materially the rights of private property and the claims of the public, the object of the Bill being to erect a rival harbour, to the great detriment of the property belonging to the city of Edinburgh. As the Chairman of the Committee that had been appointed to inquire into the subject, he must say, that they had devoted many weeks to the consideration of the subject, and were unanimous in their opinion. He trusted the House would support his Majesty's Government in the course it had thought right to adopt.

Mr. *Brotherton* was of opinion, that the postponement of the Bill would be a very great hardship to the petitioners.

The *Attorney-General* said, that no person was more sincerely desirous than he was of having a good harbour established for Edinburgh, the city which he had the honour to represent. It seemed to him, however, that it would be for the benefit of all parties that this Measure should be deferred till another Session. He should give his vote for the postponement.

Mr. *Hume* resisted the postponement, because he wished to see a good harbour created for the city of Edinburgh. The whole weight of the evidence taken before the Committee seemed to him to be against the argument of the hon. and learned Gentleman. He trusted the parties would be allowed to judge for themselves in the present case, and if they suffered in their purses by this speculation, it was nothing to the House, provided the public benefit contemplated were attained. He hoped the House would do justice between the city of Edinburgh and the petitioners. The inhabitants of Leith wished for a good harbour, and admitted that the present was not a good one. Was it not a fact, that no more money could be raised upon the credit of the harbour dues of Leith? Was it not certain that the Government would advance no more money, and these two positions proved the injustice and inconsistency of the present attempt at postponement? If the Government were a creditor to a great amount, that should not tempt them to stand in the way of improvement in other quarters. Such conduct was contrary to every principle of justice and public utility.

Sir *James Graham* was in favour of postponing the Bill, in order to see whether it were not possible to recover from the almost bankrupt estate of Edinburgh and Leith the large advance which had been so improvidently made by Government.

The House divided on the original Motion: Ayes 22; Noes 55—Majority 33.

*List of the* AYES.

Bish, T.
Brotherton, J.
Buckingham, J. S.
Chalmers, P.
Chisholm, A.
Crawford, S.
Fitzsimon, C.
Hector, C. J.
Lucas, E.
Marsland, H.
M'Taggart, J.
M'Cance, J.
O'Coner Don
O'Connell, Maurice
Oswald, J.
Sinclair, G.
Stuart, Lord D.
Tooke, W.
Wakley, T.
Wallace, R.
Wilks, J.

TELLERS:

Hay, Colonel L.
Hume, J.

The Bill postponed for two months.

IPSWICH ELECTION.—CASE OF MR. CLIPPERTON.] Mr. J. Clipperton was brought to the Bar, when the Speaker addressed him to the following effect:—" John Clipperton, this House has resolved that you have been guilty of a breach of its privileges; as you have aided and abetted witnesses who have absconded for the purpose of evading the service of the Speaker's warrant. This is conduct which, in your case, admits of no palliation. The knowledge which you have acquired in the practice of the profession to which you belong, ought to have warned you against the commission of such an offence, by impressing you with a just sense of its injurious consequences to your own character, and to the administration of justice. On the contrary, you have neglected that duty which you owe to yourself and to public justice. You have supplied the witnesses when abroad with money for their support, and when they were living under feigned names; and thus you have become deeply implicated in a serious and aggravated obstruction to the due authority of this House. Under these circumstances, this House, which ought always to be prompt and vigilant in the vindication of its useful and acknowledged privileges, which are as essential to maintain the due authority of this House as to protect the course of justice, has found itself imperatively called upon to visit your offence with severe punishment. Trusting that the contrition which you have expressed is real and sincere, and that you will never cease to feel regret and sorrow that you have so mis-conducted yourself as to have incurred the heavy displeasure of the assembled representatives of the people, I have now to acquaint you that, on the payment of your fees, you are discharged."

The Speaker's address was ordered to be entered on the Journals.

YARMOUTH ELECTION.—BREACH OF PRIVILEGE.] Lord *Francis Egerton* brought up a Report from the Committee on the Petition from Great Yarmouth and York, complaining of corruption. The Report having been read, stating that a witness of the name of William Prentice had this day refused to answer a question, on the ground that it would criminate himself, although informed by the Committee that he was bound to answer it, the noble lord moved that William Prentice be ordered to attend at the Bar of the House tomorrow.

Mr. Williams Wynn agreed in this opinion; and, on the motion of

Mr. *Hume*, the short-hand writer was called to the Bar, and read his notes of the testimony given by Prentice this day, which showed that he distinctly and repeatedly refused to answer questions put to him, because he believed by so doing he should criminate himself.

The evidence was ordered to be printed, and Mr. Prentice to attend at the Bar on the following day.

LONDON UNIVERSITY.] Mr. *Tooke* said, it had been intimated to him that some determination had been come to, by his Majesty in Council, respecting the proposed charter to the University of London: he begged to ask the Attorney-General what was proposed to be done in pursuance of the answer of his Majesty to the Address of this House?

The *Attorney-General* said, that in answer to the hon. Member, he had to state, that with the sanction of his Majesty's Government he had prepared two Charters, which he hoped would be in complete concurrence with the Address from this House, and with his Majesty's gracious answer. One of these Charters was to the University of London—not as a University but as a College; it being proposed that it should be called the London University College. No power, however, of granting academical degrees, was to be conferred by this Charter; it would only enable that body to conduct all their own affairs, in the same way as they had hitherto done. The other Charter was for the purpose of establishing a Metropolitan University, with power to grant academical degrees to those who should study at the London University College, or at any similar institution which his Majesty might please hereafter to name.

Subject dropped.

IPSWICH ELECTION.—CASE OF MR. MOORE KEITH.] The adjourned debate on the case of Mr. Thomas Moore Keith was resumed.

Mr. *Hume* said, that that Committee had come to the resolution, that John Pilgrim and others were guilty of absconding to avoid being served with the Speaker's warrant; and that the said John Pilgrim, having at length been served with the Chairman's warrant, was prevented attending the Committee by being arrested on a charge of embezzlement, made against him by Messrs. Sewell, Blake, Keith, and Blake, under very suspicious circumstances. He (Mr. Hume) believed there was no objection to the House taking the proper and usual course on this occasion; he therefore begged to move that Thomas Moore Keith be taken into custody by the Sergeant-at-arms, and that the Speaker do issue his warrant for that purpose.

Mr. *Williams Wynn* did not think it desirable (though he was aware there were precedents in favour of such a course) that the House should act merely upon the opinion of a Committee. The House had the evidence before them; it was, therefore, competent for them to adopt the decision of the Committee, and upon that decision they might proceed.

Mr. *Hume* moved that the Report of the Committee be read.

Report read accordingly, and on the motion of Mr. Hume it was agreed to.

Mr. Hume moved, that Thomas Moore Keith be taken into custody by the Sergeant-at-arms.

Mr. *Scarlett* did not doubt that the majority of the Committee came to a decision upon the most conscientious grounds; still there was much contradictory evidence before them, sufficient indeed to create a division in the Committee. He felt it his duty to remind the House of the extremely unfavourable position in which a person was placed who was brought before a Committee of the House of Commons. A disadvantage of such a tribunal was, that the defendant was submitted to an examination and cross-examination. On looking over the evidence before the Committee, he could not find any to substantiate the offence which Mr. Keith was reported to have committed. He was reported to have instituted a prosecution against Pilgrim, to induce his absence from the Committee; but there was no evidence of the fact.

Mr. *Cutlar Fergusson* submitted, that as the House had agreed to the Resolution of the Committee, it was not competent for Mr. Scarlett to go into the evidence to show that Mr. Keith was not guilty.

Mr. *Scarlett* did not mean to impugn the decision of the Committee; his object was to show that that decision was not formed upon evidence of fact, but of words; and Horne Tooke had said that it was true words were things, but they should be well proved by unsuspected testimony. Mr. Keith made a journey to Calais to make certain inquiries of Pilgrim respecting frauds alleged to have been committed by him (Pilgrim). The evidence of Mr. Wood, who accompanied Mr. Keith to Calais, was in complete contradiction to what Pilgrim deposed as to what passed at Calais. Surely, Mr. Keith's and Mr. Wood's evidence, together, ought to outweigh that of Pilgrim alone. He submitted, therefore, that the evidence of Pilgrim thus contradicted ought not to have been believed.

Mr. *Aglionby* begged pardon of the hon. and learned Gentleman, but without wishing to prevent him from urging these things, he would put it to the House whether this was the time to do it. The question now before the House was, that Keith should be taken into custody. It followed, as a matter of course, that having committed a breach of the privileges of the House he should be taken into custody. If the hon. and learned Gentleman should afterwards think proper to argue upon the evidence in mitigation of punishment, he should then be able to meet him.

Mr. *Scarlett* did not wish to take up the time of the House unnecessarily, but the decision of the House on the question before them might affect the liberty of the subject. Nothing, therefore, could be of more importance. The effect of the arguments he wished to urge might be the difference between Mr. Keith being committed to Newgate, and his being discharged. Mr. Keith laboured under many disadvantages, some of which he had already stated. Another disadvantage arose from the peculiarly unfortunate manner in which that Gentleman gave his testimony; though he believed, that it was given in a manner perfectly consistent with a desire to tell the whole truth. Under all these circumstances he thought that Mr. Keith ought not to be committed to prison, but that he should be reprimanded, and discharged.

Mr. Hume moved, that Mr. Keith should be brought to the Bar now.

Agreed to.

Mr. Keith being placed at the Bar of he House,

Mr. Hume moved that he be committed to his Majesty's gaol of Newgate.

Mr. *Scarlett* moved, that Mr. Keith be reprimanded by the Speaker, and discharged.

Mr. *Aglionby* said, that the hon. and learned Member for Norwich had misunderstood a very large portion of the evidence. He did not wish to press hard upon the individual, but still something was due to justice and to the public, when a case of guilt so clearly established came before the House. Besides, it was not competent for the hon. and learned Gentleman now to argue that Mr. Keith was not guilty of the charge made against him, because the House had already declared that he did aid and abet in preventing the attendance of Pilgrim to give evidence before the Committee. The proper period when that charge should have been disputed was, when the evidence was taken before the Committee, whose resolution the House had adopted. The decision of the Committee was not, he admitted, on all points unanimous; but there was not the slightest dissent expressed against the resolution which alleged the guilt of Mr. Keith. He might most justly say, that, as to that gentleman having aided in getting Pilgrim out of the way, there was no difference of opinion whatever in the Committee.

Lord *Stormont* supported the amendment, in order that Mr. Keith might be enabled to go down to Norwich, to prefer the bill of indictment against Pilgrim on the 1st of August.

Mr. *Law* regretted the resolution at which the Committee had arrived, as having the effect of prejudging a case which would come before a criminal court. He must express a hope in concurrence with the liberal spirit of the noble Lord (Stormont) that no sentence of imprisonment would prevent Mr. Keith from appearing as a witness on the trial of Pilgrim, as he was bound to do by his recognizances.

Mr. *Williams Wynn* observed, that there could be no difficulty in the House making an order permitting Mr. Keith to be taken down to Norwich, in the custody of one of its officers to give evidence on Pilgrim's trial.

Mr. *Hawes* said, the conduct of the Committee was justified by the evidence. He would recommend the friends of Mr. Keith to urge his case *ad misericordiam*, rather than by impugning its decision or the evidence on which the report was founded. There was not much reason to praise Mr. Keith's veracity while the charge against Pilgrim seemed merely got up as a device to prevent his being examined by the House.

Lord *Stormont* could testify to the high character and placed great confidence in the testimony of Mr. Keith. He could not sufficiently deprecate the resting the case on the testimony of such a man as Pilgrim. The Committee in fact gave at once a verdict in favour of an accused, and stigmatized at the outset the veracity of an individual who was subsequently to be examined as a witness on the trial.

The question carried.—The Speaker to issue his warrant to commit Mr. Thomas Moore Keith to Newgate.

CASE OF MR. PILGRIM.] Mr. *Wason* presented a petition from John Pilgrim, stating, that Mr. Keith was a necessary witness in his trial which was about to take place at Norwich and praying the House to permit Thomas Moore Keith to proceed to Norwich in custody of the Sergeant-at-arms, or of the gaoler of Newgate, on the 1st day of August for the purpose of giving evidence on the trial.

On the question that the petition do lie upon the Table,

Lord *Stormont* said, that his recommendation to the parties would be to drop the prosecution against Pilgrim altogether, if this course were to be pursued; for if Mr. Keith went down to give his evidence in any but the ordinary manner, the effect of his doing so must be to prejudge the case.

Mr. *Hawes* saw no necessity for his being sent down at all. The charge against Pilgrim was one of embezzlement against the firm, and any one of the partners could prove it.

The *Chancellor of the Exchequer* suggested, that as the subject would be brought forward again to-morrow, the discussion had better be allowed to terminate at once.

Petition to lie upon the Table.

GENERAL DARLING.] Mr. *Maurice O'Connell* said, that it was with great unwillingness that he troubled the House at this late period of the Session, but he begged to say, that it was not his fault if the subject was not brought forward at an earlier period. He would state the facts of the case as they were related to him, and he would state them in the briefest way possible. At the outset he would state the nature of his motion. It was for a "Select Committee to inquire into the conduct of General Darling while Governor of New South Wales, particularly with reference to the grants of the Crown lands made by him, his treatment of the public press, the case of Captain Robison and the New South Wales Veteran Companies, and the alleged instances of cruelty towards the two soldiers Sudds and Thompson, and other persons, and to report thereon to the House." In the first place it would be found that the grants of the Crown lands made by the various Governors of New South Wales were made on a smaller scale and with less partiality than those made by General Darling. That General had made double the quantity of grants of Crown lands that any former Governor had made. That Governor who preceded him, granted, in twelve years, 400,000 acres of those lands. General Darling, in the same space of time, gave away upwards of a million of acres of the Crown lands. Besides this he had to charge General Darling with great partiality in the manner he disposed of those lands. To a brother-in-law, who was in the full receipt of an income of 600*l.* a-year, he made a free grant of 10,000 acres of land, though there was an order from the Government at home that no grant should exceed 9,600 acres. To the Colonial Secretary he made a grant of 1,280 acres in the first instance, and to a cousin of his General Darling gave no less than 2,568 acres. It would be found on inspecting the documents that the aforesaid Colonial Secretary received in all upwards of 10,000 acres of the Crown lands. Captain Robison was refused a grant of land, on the plea that he was in the receipt of full pay in his Majesty's service, whilst the two other persons received grants of land though they were also on full pay. He thought that he had established sufficient grounds for the appointment of a Committee to inquire into the partiality with which those grants were made. A stronger case remained behind. Close to Sidney, about two miles to the southward lay a tract of land to the extent of 180 acres, which was particularly rich and fertile. It was Crown land, and Government at one time intended to erect upon it a lunatic asylum. However, General Darling had authority to divide it among eight or nine officers, to all of whom except one he gave about nine or ten acres each. To one person, however, a Mr. M'Kay, he gave fifty-four acres, and those acres were the very best of the lot. Several years ago each acre was valued at fifty pounds, and lately a very large sum (upwards of 500*l.*), was refused for one acre. He thought something ought to be done to prevent Governors wasting the public property in this way. In 1828 a person of the name of Onslow arrived in New South Wales. At first he was not known to any one in the Colony. He soon, however, became acquainted with M'Kay, and through him was introduced to the Governor. Onslow held an office of 500*l.* a-year under the East-India Company, besides another in the Colony, and on marrying a daughter of M'Kay he received a grant of land in one of the very best situations, together with other assistance. In 1828 a large number of convicts were landed, and they were distributed with partiality. To the Lieutenant-Governor were given twenty-four. The hon. and learned Member next alluded to the case of a person named Hall, who was stated to have been formerly a hot-headed and rather violent person, but who was now under General Bourke a very quiet citizen. It appeared that Hall, in a newspaper, said that the Archdeacon of Sidney was not a man of peace. This was considered a libel, and he was tried before a military tribunal. Hall wished to have the case deferred, in order to have Captain Green, a liberal and humane man, upon the Jury; but three successive times when it came to be Captain Green's turn to be on the Jury that Officer was sent to perform other duties. Hall, finding it impossible to have Captain Green on the Jury went to trial, and was convicted—the sentence being a certain imprisonment, and a certain fine. Some of the Officers sat twenty, sixteen, seventeen, eighteen, and fifteen days and they were all paid by the Governor at the rate of 15*s.* a day. Hall commented on this in another paper, and the result was a new trial for libel. No less than six *ex officio* informations were issued against him—his recognizances were estreated—and he was condemned to three years' imprisonment and a fine of 1,000*l.* He suffered sixteen months' imprisonment, and was let out on bail only in consequence of the general pardon granted by his Majesty to such offenders. Hall then proceeded legally against the Governor and other persons, and in every instance recovered damages and costs, which were paid by the Governor out of the Colonial funds. He would now come to the case of Captain Robison, who had been a number of years in his Majesty's service, and who had received his first education at the Military College of Great Marlow. He entered the service in 1805 and commanded for six or seven years a cavalry regiment in India. On his return to this country he was appointed to the command of a veteran company and proceeded to New South Wales. On arriving in the colony he was appointed to the Bathurst district, the most important district in the Colony. Captain Robison soon perceived several abuses, particularly in the way convicts were disposed of by the Lieutenant-Governor, Stewart, and represented the matter to the Governor. A copy of the representations he made to the Governor he sent home. He, however, received no answer, and instead of the charge being inquired into, he was recalled to head quarters; and as, according to the rules of the colony, he could not be superseded, the district which he commanded was done away with, solely for the purpose of depriving him of the command. Upon this he asked leave to return home, and was not only promised leave, but was also promised the charge of troops and a free passage; yet in the very next Government order he found that he was commanded to proceed to Norfolk Island, the penal settlement, although that order was afterwards superseded, on account of his being a married man. He was then sent to Newcastle, and while in that station, it was so contrived that he was unjustly deprived of the Government-house and allowances. The hon. Member then alluded to the charge which had been brought against Captain Robison, of feloniously breaking open the mail bags, and contended that there was nothing in Captain Robison's conduct in regard to that matter which deserved punishment. The next charge brought against Captain Robison was for reading a private letter from Captain Sturt, the Colonial Secretary, to Lieutenant Sweeney, without Lieutenant Sweeney's leave. Upon this charge Captain Robison was tried by Court-martial, and dismissed the service, although it was proved, upon the evidence of Lieutenant Sweeney himself, that he had given permission to Captain Robison to read the letter. The Court-martial acted in a most singular manner; it rejected Mr. Sweeney's evidence in justification of Captain Robison—namely, that liberty had been given him to read the letter by Lieutenant Sweeney, but the Court listened to all the evidence implicating in any degree the conduct of Robison. He did not mean to impugn the character of the officers who sat on this Court-martial, but he could not help feeling some surprise at their conduct, which probably arose from want of experience in matters of the kind. It should also not escape recollection that the Judge-Advocate who presided at the trial was a man of but little experience. From the period of Captain Robison's return to this country, he had pertinaciously endeavoured to obtain inquiry into his conduct, with a view of getting redress. He (Mr. O'Connell) had seen a good deal of that officer lately, and he had never remarked anything in his conduct which was not characteristic of a gentleman, and at the same time he manifested a fixed determination not to relax in his endeavours to obtain justice. Captain Robison had written a pamphlet respecting the conduct of General Darling in the colony, and had brought a number of charges against him for acts done by him in the performance of his official duties. In consequence of this General Darling had instituted proceedings against him for a libel, and from the course pursued, Captain Robison was prevented from proving any of the charges he had made. The result was, that he had been sentenced to a term of imprisonment, and had now been some months in prison. The next thing he came to was the conduct of General Darling in the cases of Alexander Edwards and Dennis Mac Hugh. Edwards had been an attorney at the Cape, and had been transported to New South Wales in consequence of a libel he had written on Lord Charles Somerset. He had been allowed to reside at Bathurst, without direct control being exercised over him, but in consequence of removing for a short period to some distance, he was seized and brought back to Bathurst. He was then sentenced to seven years' transportation to Norfolk Island, on a charge of having attempted to escape from the colony before the termination of his sentence. The next case was that of one of the persons who had been transported from Ireland in consequence of some political offence—he believed under the Insurrection Act, for being out after dark. He had a ticket of leave in the colony, and was married to a woman in good circumstances, to whom he had been assigned as a servant. On one occasion he went to the Bank to get some notes exchanged which belonged to his wife. On his presenting them, the clerk asked him how long he had had them? and he replied, six months. He was asked whether he would swear to this? He consented to do so, and the oath was administered. It appeared, however, that the notes had only been issued about five months. He was prosecuted for perjury, and was sentenced to a long term of imprisonment. He applied to the Judges, and was taken before them under a writ of *habeas corpus;* the case was argued before them, and the sentence was declared to be illegal; but, notwithstanding this, he was sent to a penal settlement, on the plea that the Governor could revoke a letter of leave, or withdraw an assigned servant. The wife of this man had then demanded the notes or the money, but it was refused, and she had never been able to obtain it. The next case he would advert to was that of Sudds and Thomson, two soldiers of the 57th regiment. It appeared that the former did not bear a very high character in the regiment, but this was not the case with the latter. The regiment was about to proceed from New South Wales to India, and these men being unwilling to go, determined to commit some offence, which would lead to their detention in the colony. They went into a linendraper's shop in Sidney, and openly committed some act of larceny. They were tried by a Court-martial and sentenced to seven years' transportation. The Governor, by the authority vested in him, reversed the sentence, and commuted it to working on the road in irons for four years. They were clothed in a military dress, and had irons rivetted on them. These irons were of such construction that they inflicted the most cruel torture on these men. Indeed such was the sufferings of these men, that Sudds died in the course of a few days. A *post mortem* examination took place, and the surgeons declared that they could not account for his death otherwise than from the treatment he had experienced. An inquiry had taken place into the circumstances of the case before the Legislative Council of the Colony, but the Governor presided on the occasion, and directed the inquiry. He need hardly say, that such an investigation was anything but satisfactory. After this the Governor ordered Thomson to be released from his irons. He contended that the trial itself was illegal, as well as the commutation of the sentence. The Colonial Office had declared that the latter was so. He thought that there would be no difficulty in showing that the death of Sudds was occasioned by the treatment he had experienced. Mr. M'Intire, the surgeon, said, that the death of the man had been caused by putting him into irons too small for him, and by the harsh conduct pursued towards him. The irons were in all respects too small, and the collar which was placed round his neck was so tight that he could hardly breathe. A spike, six inches long, projected in front and behind the collar, and there were also bars of iron on the breast and back of the men. A person who had seen Sudds in his irons said that nothing could be inserted between the collar and neck. This man never held up his head afterwards, nor was he able to take anything; but died in a miserable condition. It had been asserted that he was in irons only for a short time; but Mr. M'Intire said that he was kept in them twenty-eight hours. The irons that Thomson wore were lighter than those placed on Sudds. When they were taken from the former, they were exhibited as those worn by the latter. The weight of the irons Thomson wore was thirty-five pounds; but the others were considerably heavier. Sudds died five days after the infliction of this punishment, and the surgeons gave it as their decided opinion that his death had resulted from being placed in these irons. Was not this a case which called for inquiry? It had been brought before the House in 1830, and some of the papers then moved for were granted; but circumstances had since taken place, and new facts, which were not previously before the House, had been adduced. This he thought was a sufficient reason to justify the House in granting an inquiry before a Committee. It was stated that there were no precedents, but he would refer to the case of Governor Wall, who had been capitally punished for having illegally tried some soldiers before a Court-martial, and for having inflicted extremely cruel punishment on them. He contended that the two men he had alluded to had been illegally tried and convicted; that the commutation of their sentence was illegal, and that one of them had died in consequence of the infliction of this illegal punishment. If these men had been made to work in the irons commonly put on persons sentenced to labour on the roads, Sudds would probably be alive at the present time. He might be told that it was too late to call for inquiry, but he contended that it was not too late to do justice. He thought that he had shown sufficient ground to justify inquiry into the whole question, and especially as to whether or not Captain Robison had been properly tried and convicted. He concluded with moving, "That a Select Committee be appointed to inquire into the conduct of General Darling, while Governor of New South Wales, particularly with reference to the grants of Crown lands made by him; his treatment of the public press: the case of Captain Robison and the New South Wales veteran companies; and the alleged instances of cruelty towards the soldiers, Sudds and Thomson, and other persons, and to report thereon to the House."

Sir *George Grey* said, that it was with great pain that he felt called upon to say anything respecting two officers, who had both served their country well. They had to decide between two officers, one of whom was now in prison, and against the other charges of the most serious nature had been brought, and the most opprobrious epithets had been applied to him. It was not necessary for him to go into many of these charges or accusations, it would be sufficient for him to confine himself to some of the chief points of the case. The main question they had to decide was, whether this was a fit case for the House to take up, and refer to a Committee up stairs for the purpose of investigation. Did it appear that inquiry would lead to any useful practical result? He thought that that had not been shown. It was proposed also that it should extend over the whole period of time that General Darling was Governor of the Colony. The first charge was relative to the grants of land that had been made during his administration of the affairs of the Colony. Now, what was the object and use of inquiry into this part of the case, even if the facts which had been stated were admitted? It was undoubtedly true that most improvident grants of land had been made, but this was rather the fault of the old system than of any individual, and such steps had been taken as would prevent the recurrence of any such grants. It had been admitted that the regulations which had been sanctioned by the Colonial Office in 1831, as to grants of land in New South Wales, had been found sufficient to put a stop to this ground of complaint. What more then could a Committee do on this point after inquiry, than to express their satisfaction at the result, and to state that the object they had in view had been anticipated, and future improvidence in the grant of lands prevented. With regard to General Darling, and in justice to that Gentleman, he was bound to observe, that the large grant of land made to his brother-in-law had been made by his predecessor in the governorship of the Colony. With regard to the refusal of the grant of land to Captain Robison, he would only state that General Darling was not responsible for it, for, according to the regulation long in force in the Colony, no officer on full pay could have a grant of land made to him. However much he (Sir G. Grey) might regret the apparent hardships this officer was subsequently exposed to, he felt bound to say that General Darling could not have complied with the request. It had also been stated that Captain Robison had been refused the grant of land which was always given when a person married the daughter of a settler in the Colony. There certainly was much difference between this case and the former, but still the regulations of the service might have been an impediment. If, however, on inquiry, it should appear that no satisfactory reason could be assigned for what had taken place, he would take care that Captain Robison should receive the grant of land usually given under the circumstances of the case, notwithstanding what had taken place subsequent to the former refusal. If injustice had been done in this case, nothing which had since transpired should prevent reparation being made. With respect to the charge of libel being tried before a military tribunal, he had only to state, that at the time there was no other tribunal before which the trial could take place. Civil tribunals now existed, and charges of the nature he had alluded to were tried before a jury of twelve persons, as in this country, instead of before a military tribunal. The Libel Law was not passed at the period alluded to. He was anxious to bury everything connected with this subject in oblivion, for he feared that the recital of it would risk the renewal of excitement in the colony. He was satisfied that inquiry before a Committee, on this point, would not lead to any satisfactory result; and the less so as there appeared something like the manifestation of a vindictive feeling in some of the charges preferred against General Darling. He was satisfied, that the House would not take up the subject with the view of supporting the cause of either General Darling or Captain Robison, but would adopt such a course as seemed most likely to promote the general interests of the colonists and the rights of the subject. He was sure, therefore, that the House would agree with him, that inquiry into the libel case could not be pursued with advantage. With respect to the next charge, all that he could say was, that the Governor of this penal colony had ever possessed the right of removing any assigned servants who were convicts from the persons with whom they had been placed. If objection were made to the principle, the subject was rather a matter of inquiry before the Committee on Secondary Punishments, than before that now moved for. As to the case of Captain Robison, he must observe that this was a military case, on which he was not a competent person to decide, but no doubt his right hon. Friend, the Judge-Advocate, would give his opinion on the subject. The charge against Captain Robison was a military charge, and was tried before a military tribunal, composed, as he sincerely believed, of men of integrity, anxious to perform their duty faithfully. With respect to the case of Thomson and Sudds, General Darling had nothing to do with the passing of the sentence; therefore, whether it was legal or illegal did not affect him; his only interference was after the sentence was passed, and then he commuted it, the power of commutation resting with him. If the sentence were illegal, an application to a court of law would have set it aside. It was the desire of General Darling to put a stop to certain abominable practices that had crept into the army, and in determining upon the commutation of the sentence General Darling kept that object in view. Whether the sentence was illegal in the first instance, or whether the punishment under the commutation was improper in the second instance, it did not appear from the evidence, which he had read with great care, that any improper motive could fairly be imputed to General Darling. Everybody who knew him—and he was known to many hon. Gentlemen in that House—must bear testimony to his being a man of high integrity. As to the chains that were put upon the man, and the substitution of a heavier for a lighter set, it did not appear that the charges which had been made were borne out by the evidence. He must confess he did not think that the use of the iron collar was a punishment that ought to have been resorted to, except in a case of extreme necessity; but General Darling believed that a case of extreme necessity had arisen. It was also the foundation of a part of the charge, that one of the parties suffered much in his health in consequence of the severity of the punishment he underwent; but there was no tittle of evidence to show that General Darling was acquainted with that fact. Under all the circumstances, he was prepared to contend, that every paper in the case having been laid upon the Table of the House, and hon. Members having had the opportunity of acquainting themselves fully with the facts, the appointment of a Committee offered no particular advantage. It was, by giving publicity to the acts of public officers, that such persons were best made to feel the full weight of the responsibility which devolved upon them: and that publicity having been in this case obtained, he did not see that the appointment of a Committee would afford any additional security for the due observance in future of the public interests. Allusions had been made to the trial instituted by General Darling in the King's Bench; General Darling, himself, regretted the form of proceeding which was adopted on that occasion. The course then taken was advised by others. But it was fair to say, that an inquiry into the merits was not altogether shut out from that trial. Affidavits were put in on both sides, and the Judge, in summing up, said, looking at all that had been proved, there was no reason to impute improper motives to General Darling; at the same time, he admitted, that a different mode of proceeding would have been more satisfactory. In conclusion, the hon. Baronet called the attention of the House to the address which was presented to General Darling on his leaving the colony; that address described him as having laboured during his Administration for the benefit of the colonists, and was signed by a numerous body of official and professional individuals—merchants and residents—who inasmuch as they lived on the spot, must be supposed to have had the best opportunity of forming a fair estimate of their Governor's public character.

Mr. *Hume* said, that this subject had been before Parliament for the last nine years; but, if late Governments had acted on such opinions as those which had been expressed this evening by the hon. Baronet, it would have been disposed of long ago. Unfortunately, however, it had been the policy of late Governments to defend all abuses, and to sanction a system of oppression which had the very worst effect on our colonial Governments. Captain Robison was only one of twenty or thirty who had appeared at the Bar of the House as complainants against the conduct of General Darling. Some of these individuals were now dead, and others had returned to the colony, bad as their situation there might be, despairing of being able ever to obtain justice here. Last year, when the case was brought forward, the question was put, would the House institute an inquiry, with a view to come to a judgment in a matter which was about to undergo investigation before a legal tribunal? It was said, let them only wait, and upon the trial of the cause there would, of course, come out all the evidence. He felt the full force of this objection, and acquiesced in it. Surely from this the natural inference was, that General Darling would bring his action against Captain Robison in such a form as would allow him the opportunity of proving the truth of his charges, and the notice of proceedings which was first given was to that purport; but the course was subsequently altered, and instead of bringing an action to recover damages for defamation, he filed an *ex officio* information, by which the Court was shut out from receiving every proof that might have been offered of the truth of the charges. Did that look like meeting the case fairly? With regard to the address to which the hon. Baronet alluded, he had expected that document to be used, and was prepared with an answer to it. The same address was produced in this House three years ago, in the course of a debate which then took place on the subject of General Darling's conduct. Shortly afterwards he sent a copy of the address to the colony, and in due course received a reply. The question was asked, Did the learned puisne Judge sign the address? And the answer was, No. Did Major Mitchell, a private friend of General Darling, sign the address? No. Did the Colonel of the 57th regiment, who had retired from the army, sign it? No. Did any of the independent members of the Bar? No. Indeed it was signed by only two legal functionaries, by the Attorney-General and the Commissioner of the Court of Requests. Out of twenty-five solicitors, only one could be prevailed upon to sign it. Of the clergymen, seventeen in number, but four had affixed their names. Of the magistrates, 127 in number, only nine not connected with the Government had signed; the remaining fourteen all held offices at the will of the Governor. In the Surveyor-General's department, out of twenty-six only one had signed, and all were requested to do so; in short, out of the whole body of persons constituting the Colonial Government, only thirty signatures were obtained. Out of the merchants, who might be estimated at 1,000, only 100 had signed. Lastly, out of the free population, amounting to 21,000 souls, only 111 signatures were obtained, notwithstanding that every possible influence had been exerted to induce people to subscribe their names. Such was the true character of the address which had been produced. He was further informed that it was got up at a private meeting, the previous addresses to Governors on their quitting the colony having been agreed to at public meetings, and then signed. No piece of plate had been voted to him as to former Governors; no request had been made to him to allow his portrait to be taken, as had been made to former Governors. In short, his departure was hailed with rejoicing—in the evening of the day on which he quitted there was a general illumination. Captain Robison was at this moment a prisoner for publishing a pamphlet in answer to a libel written by General Darling himself. On the 12th of July, 1831, he presented a petition to the House, complaining of General Darling's conduct, and then made such observations as the facts justified. General Darling and his brother thereupon published a pamphlet on the colony, abusing him, and representing his statements as false. A copy was sent to him, and he forwarded it to the colony, saying that he would take no further notice of it than to move in that House for documents which would show that every statement he made was accurate. The pamphlet was circulated privately, but the one he sent to the colony was noticed in *The Sidney Monitor*, and in short taken completely to pieces, every paragraph of it being examined, and their misstatements exposed. Captain Robison applied to him to know whether he would publish what appeared on the subject in *The Sidney Monitor:* his answer was, that he would not. In reply to another application made to him by Captain Robison, he said he should not object to Captain Robison undertaking the publication, provided he did so on his own responsibility. That publication was the libel for which Captain Robison was now in prison. Would it be said that a trial in which the truth of the charges brought were not allowed to be proved was satisfactory to the character of a public officer? It appeared that fourteen convictions were obtained in three years by General Darling against the newspapers of the colony, the party having been tried by a Court-martial, the officers of which were appointed by the Governor. The party was sentenced to three years' imprisonment, and to be fined 2,000*l*. It appeared that he subsequently brought his actions in a Civil Court for the illegal prosecutions, and obtained damages in every one case. The Judges of that Court declared that the conduct of General Darling had been oppressive and illegal. He trusted it would not be said that this was a case which was not worth notice. It had been said that vindictive feelings had been entertained towards General Darling. Might nothing be said of the vindictive proceeding of General Darling towards Captain Robison? The result of the trial upon the action brought by him against that individual, and the Judge's charge on that occasion, sufficiently proved that General Darling had unjustifiably injured the character of Captain Robison. Justice required that there should be a full inquiry into all the circumstances of the case, in order that truth might be elicited, and some redress afforded for the wrongs which had been inflicted upon many individuals.

Mr. *Cutlar Fergusson* would confine his observations to the point of Captain Robison having been found guilty of opening a letter marked "private and confidential," and mentioning its contents to General Darling, after having pledged his honour to Lieutenant Sweeney, to whom it had been addressed, not to divulge them. That point had been brought fully under the notice of his right hon. Predecessor, who had since left this country; by him the most diligent and careful consideration had been given to it, and the result had been a conclusion that the finding of the Court-martial was just. He was quite sure that nothing could have induced a man of so mild and forbearing a character as was his right hon. Friend, to do an act of injustice to Captain Robison or any other man; and had he, after a full consideration of the minutes of the Court-martial—every word of which he had stated himself to have read—been led to the conviction that their finding was not strictly correct, he would unquestionably have thought it his duty to declare that Captain Robison had not had justice done to him. The subject had been also under his own consideration; and after giving to it most complete attention, the conclusion to which he felt bound to come was, that Captain Robison had not suffered any injustice in reference to it, and that the Court-martial having before them the evidence which they possessed, and viewing it as they did, were justified in the finding to which they came. Before the House could pass so grave a censure upon that tribunal as to refer it to a Committee to inquire, whether their finding was just or not, they ought to be satisfied not only that the judgment of the individuals composing it was wrong, but also that they had been actuated by corrupt motives in coming to it. It had been said, indeed, that General Darling had packed the Court. In that respect the greatest justice had been done towards Captain Robison; for the individuals selected to form it were men of the highest and most unimpeachable character. The judgment in question was that which had been come to on the eighth charge, or rather upon that portion of it which said that Captain Robison had been guilty of an act derogatory to the character of an officer and a gentleman, in possessing himself of a private letter, addressed by Captain Sturt to Lieutenant Sweeney, containing the subject matter of his accusation against Captain Robison, and informing the Lieutenant-General (Governor Darling) of Captain Sturt's having so written privately, after having pledged his honour to Lieutenant Sweeney that he would not divulge the same. The charge having been found true, there was no discretion in the hands of the Court-martial as to awarding the sentence of dismissal. He did not mean to justify the letter itself, which had been written by Captain Sturt; on the contrary, he thought it a most imprudent and indiscreet letter; but it ought not to be concluded that the object of it was to suborn Lieutenant Sweeney as a witness to the accusations against Captain Robison, still less that General Darling was privy to its contents. In fact, it was distinctly sworn in the affidavit of Captain Sturt, that the Governor was in no wise aware of it. It should be recollected, however, that there were other grave charges against Captain Robison, which might justify the sentence of the Court. The propriety of the sentence removing Captain Robison from the army might be justified, on the ground of his having opened and read a secret and confidential letter to a brother officer (Lieutenant Sweeney), and communicated its contents. The judgment of the Court of King's Bench, before which Captain Robison had been brought by General Darling, fully confirmed the finding of the Court-martial. Mr. Justice Littledale said, it was the opinion of the Court, that no person of correct feelings could do otherwise than condemn Captain Robison's conduct with regard to the secret and confidential letter. Would the House, then, he asked, send this case to be tried over again by a Committee of that House? Captain Robison, he must observe, had had opportunities afforded to him by his hon. Friend the former Judge Advocate General, such as had never before been accorded to any individual similarly circumstanced. He had been allowed to inspect the proceedings of the Court-martial from day to day in the office of his hon. Friend.

Mr. *Richards* supported the Motion. He believed Captain Robison was a most ill-used man. He had been persecuted by General Darling in a most shameful manner, and that House was bound to inquire into the conduct of that General. Captain Robison had usefully and honourably served his country for five-and-twenty years. That House possessed a power which they might properly exercise in this case, of reversing the finding of a Court-martial. The only point the right hon. Gentleman (Mr. Fergusson) could make against Captain Robison was, that he had read a confidential letter written to a friend, with the permission of that friend. Now really it was absurd to say, that a man ought to be tried by a Court-martial for such an offence. Nothing was more common than for officers living in a state of social intimacy, to read each other's letters; and a man who viewed such a practice as a grave offence, was not fit for the business of the world, but should be sent to live in some El-Dorado grove. The conduct of Governors in distant colonies ought to be closely watched by that House.

Lord *Dudley Stuart* said, the Motion involved the honour and fortune of one distinguished Officer, and the honour, and probably the happiness of another. He knew nothing of either party, and therefore his opinions were unbiassed by partiality, prejudgment, or friendship. He should give his hearty support to the Motion; and he believed that those who opposed inquiry were not the true friends of General Darling. Avoiding inquiry was a presumption of anything but innocence. He believed, on the best evidence which had been adduced as yet, that Captain Robison was an injured man; how far that belief might be changed if inquiry were instituted it was not for him to say. He should support it for the sole purpose of eliciting truth and doing justice. The charges against General Darling were two-fold:—first, on account of the Court-martial which tried Captain Robison; and, second, on account of the illegal punishment of two soldiers, one of whom died. The complaints against the Court-martial were three in number — 1st. Against its constitution. 2nd. Against the course of proceeding relative to the evidence adopted by it. 3rd. Against its sentence. The Court was, no doubt perfectly legal, as though there were actually nine Officers present five were sufficient by the Mutiny-laws. But then the general number was thirteen; and where there was no want of Officers to make up that number, any lesser one was rather against than for it. It was said that it was a packed Court. He did not mean for a moment to impugn the high honour of the Officers who composed it, but still he could not help thinking that human nature was liable to receive unfavourable impressions in a moment of excitement or under other circumstances, as well as it was liable to err in all cases. But there were still greater objections to the Court than either of these, and one of them which he should particularly adduce was that part of the evidence which related to the letter alleged to have been opened by Captain Robison. Captain Sturt, General Darling's private Secretary, swore on his oath that he believed Captain Robison incapable of opening a letter; and yet the Court rejected this testimony, as well as the denial on oath of the facts put in by Captain Robison, in favour of a letter written by the same Captain Sturt, in which the charge against Captain Robison was repeated. There was another charge against the evidence. Captain Sturt, it was alleged, was allowed to see his testimony after it had been taken down, for the purpose of correcting it, which, if true, would be a departure from all justice, and would vitiate the whole proceedings in any Court of law or equity. He saw no way in which his right hon. Friend could satisfy the House that these allegations were unfounded, except by producing a copy of the minutes of the Court-martial. There was another charge also, that General Darling had tampered with one of the witnesses, and which was very faintly attempted to be rebutted on the trial, by the testimony of a third party. Surely a case like that required investigation. The second branch of the charge against General Darling, that of the death of the soldier Sudds during his illegal punishment, came next. It was a strong case, and one deserving the fullest consideration. The soldiers Sudds and Thomson were, according to a printed statement of General Darling, convicted of felony, and the utmost of his offence in this respect was changing their punishment; extenuating he termed it, but he should feel disposed to call it a great aggravation. The printed statement said that irons of the weight of a musket were put on the soldiers; but that Sudds was unwell, and consequently could receive no inconvenience from them as he was unwell, and therefore quiescent. As if a sick man should be ironed—as if a man in a state of avowed illness, when perhaps even his clothes were an intolerable burthen to him, should be ironed! But what right had General Darling to change the mode of punishment prescribed by the law? He (Lord D. Stuart) much questioned whether the survivor Thomson could not have his action of damages for false imprisonment against him, and recover too; backed, as his application for justice would be, by the letter of the Secretary for the Colonies to the Governor, General Darling, declaring his conduct in regard to these men illegal, and pointing out the discharge of Thomson as the only remedy left for the evil. Besides, there was another strong objection to the proceedings, equally in a military and in a humane point of view. The punishment was inflicted without a surgeon's advice and without a surgeon's presence. He was surprised to hear his hon. Friend pour out on Captain Robison the vial of his wrath, when the only fault of that unfortunate Gentleman was lifting up his head against tyranny. General Darling might call him a troublesome fellow; but every opponent of tyranny was a trouble to a tyrant. Hampden was, no doubt a troublesome fellow in his day. The prosecution of General Darling was in pursuance of vengeance. It was said, that he repented the proceeding. If so he gave no sign of repentance; for Captain Robison still languished in prison. The noble Lord concluded by expressing his determination to support the Motion.

Mr. *O'Connell* said, that as he was able to judge, not a shadow of charge was intended to be brought against the present excellent Governor of New South Wales. The hon. and gallant Member opposite had made a suggestion, but it was under the misconception that the present Motion accused Captain Robison as an individual, and that, if carried, it would immediately affect his interests and condition. It was no such thing, for the Motion related only to General Darling, and was merely for an inquiry to be instituted upon the conduct of that person. Let the House, however, bear in mind, that Captain Robison was now actually in gaol, suffering under a very severe construction of the very dubious law of libel, and let it also be recollected, that the very man who had contributed to put him in his present miserable condition had avoided—had shirked the witness-box on the trial of the indictment, and thus had evaded the cross-examination to which he would have been subjected on behalf of his victim. There were four distinct grounds of complaint, or rather charges against General Darling, into all of which it was competent and even incumbent on the House to institute an inquiry. The first related to the malversation of which the General was alleged to be guilty, in misusing his power of granting Government lands by partial allotments of those lands amongst his own connexions. The second related to his tyrannical prosecution of the press of Sydney, no less than fourteen or fifteen

Government prosecutions being at one time pending against its conductors. The third and fourth charges related to the conduct of General Darling with respect to the Court-martial on Captain Robison. The Court-martial was ordered to try that person upon two grounds—first, for having broken open the mail; and, secondly, for having dishonourably read and used a confidential communication not sent to him. Now, with respect to the first charge, let it be recollected that Captain Robison had already been acquitted of any guilt in opening the mail-bag by the civil Magistrate of Sydney, who, moreover, declared the prosecution to be frivolous and vexatious. Yet, in despite and defiance of the civil authority, the Governor made this one of the charges before the Court-martial, and actually got Captain Robison condemned upon it. The second charge was supported by the evidence of Mr. Sweeney, and let him state what sort of evidence that was. Mr. Sweeney, in his *viva voce* evidence given upon oath, acquitted Captain Robison of the charge of having dishonourably used a private and confidential communication; but to counteract this, a letter of the same Mr. Sweeney was brought forward, and actually made the means not only of contradicting that person's evidence upon oath, but of illegally convicting Captain Robison. Now, with all respect for the learned Judge-Advocate, he totally dissented from his opinion on this matter, and would state his conviction that the sentence and finding of the Court-martial were illegal. And there was a feature in the case which ought not to be over-looked, and which was to be found in the letter addressed by the Governor's Military Secretary to Mr. Sweeney relative to this case, wherein the witness is cautioned not to be guilty of any rashness, lest he himself be implicated. Now, what did the word rashness mean there? Was it not a direct tampering with this Mr. Sweeney, and could it be denied that this was done by a confidential servant of General Darling, the prosecutor, aye, and with his privity, too, as it subsequently appeared? Why, such an act deserved to be stamped with the oppro brium of felony, and as such ought it to be treated; yet it was upon such testimony as this Sweeney's that Captain Robison was first deprived of his rank and pay, and next cast into gaol, whilst his miserable family were destitute and starving, Another circumstance attending this letter was, that the man who was concerned in it denied its having been sent or received, in an affidavit before a police Magistrate; but he did not venture to do so when placed in the witness-box in the Court of King's Bench; nor had General Darling, upon oath, denied its having been written by the Secretary. In point of fact, he was instructed to put the point of Captain Robison's infamy or honour upon this single issue—namely, the fact that General Darling had not denied in his affidavit the circumstance that Mr. Sweeney had received this letter; and if this hideous, this unparalleled incident should be established, what could it be termed but tampering with a witness, and the principal witness too, in this case. Now, was that not enough to induce the House to grant the Committee demanded—aye, or even to warrant them in calling General Darling to the Bar of the House, in order to let the country see how the Colonies had been governed in past times, and how they might again be governed; but of that, thank God, there was no immediate prospect. The hon. and learned Member concluded, by emphatically declaring that there never was a case, since that of a too celebrated Governor, which more imperiously demanded inquiry than did this of General Darling's conduct.

Mr. *Horace Twiss* said, that the present case between General Darling and Captain Robison called for no such proceeding as that which was demanded on the other side of the House. The only instances in which the House could ever with propriety interfere, were those wherein the Judges below had misconducted themselves; for if they were to grant Committees of inquiry upon all individual cases which, under the plea, as was the case in the present instance, of injustice, they would never have done. The charges against General Darling were comprised within narrow bounds. He was accused of having made grants of Government land to his own connexions. His conduct herein had been bounded and guided by the law, and certainly it was natural he should favour his own connexions. He was accused of having instituted prosecutions against the Press of Sydney, but did the House know, as he had the ample means of knowing, the turbulent and disorderly condition of the Sydney Press, more especially of one journal, called the *Sydney*

*Monitor*, they would be aware, as he was, of the impossibility that the Government could be advantageously carried on, unless this libertinage of the Press was repressed and punished. The next charge was, the vindictive prosecution of Captain Robison, before the Court-martial; and herein he must not only vindicate General Darling, but he must declare that the Court-martial had been impartially chosen, and had, moreover, impartially discharged their duty. Captain Robison was honourably acquitted on the charge of opening the mail bag, and it was only on the charge of communicating the contents of a private and confidential letter, which he had promised not to disclose, that he was found guilty. This it was quite clear placed him out of the pale of honour. The Court of King's Bench had decided the question, and exculpated General Darling. Now, what sort of person was Captain Robison? He was clearly a gentleman who, on all proceedings, viewed circumstances with a warm and irritable temper. He was sent to Norfolk Island, where another officer would have considered it an honour to be sent, and he deemed it a degradation. Necessity demanded that a man should be imprisoned and put in irons. The irons weighed 14lbs, and Captain Robison marks them 30 or 40lbs., and persists in believing that they were 40lbs., He trebled all his grievances and more than trebled them. The court of King's Bench had decided the seventh time against him, and an eighth and now a ninth time the case was brought before Parliament. He contended that the decision of the court of King's Bench had completely exculpated General Darling, and that no person had ever been subjected to a more grievous persecution than that gentleman.

Mr. *Maurice O'Connell* briefly replied, and the House divided—Ayes 55; Noes 47; Majority 8

### *List of the* AYES.

Attwood, T.
Bannerman, A.
Barnard, E. G.
Bewes, T.
Blake, M. J.
Bowring, Doctor
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Cayley, E. S.
Chalmers, P.
Crawford, N. S.
Dunlop, J.
Elphinstone, H.
Euston, Earl of
Ewart, W.
Fergus, J.
Fielden, J.
Hector, C. J.
Jephson, C. D. O.
Macleod, R.
Marsland. H.
Musgrave, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, Morgan
O'Connell M. J.
O'Connell, J.
Oswald, J.
Palmer, General
Pease, J.
Pelham, Hon. C. A.
Power, P.
Pryse, Pryse
Raphael, A.
Richards, J.
Scholefield, J.
Sheil, R. L.
Sheldon, E. R. C.
Smith, B.
Stuart, Lord D.
Strutt, E.
Thornely, T.
Trelawney, Sir W.
Tulk, C. A.
Wakley, T.
Wallace, R.
Walter, J.
Walker, C. A.
Warburton, H.
Wason, R.
Williams, W.
Wyse, T.

TELLERS.

Hume, J.
O'Connell, Maurice.

### *List of the* NOES.

Arbuthnot, Hon. H.
Barclay, C.
Baines, J.
Baring, F. T.
Blackburne, J. J.
Bonham, F. R.
Buller, Sir J. Y.
Campbell, Sir J.
Cole, Hon. A.
Cole, Viscount.
Compton, H. C.
Dalbiac, Sir C.
Darlington, Earl of
Dundas, Hon. T.
Egerton, Sir P.
Egerton, W. T.
Elley, Sir J.
Fergusson, Rt. Hon. R. C.
Forbes, W.
Forster, C.
Freshfield, J.
Goulburne, Rt. Hn. H.
Gordon, Hon. W.
Grey, Sir G.
Grimston, Viscount
Grimston Hon. E.
Hardinge, Sir H.
Hawse, B.
Hobhouse, Sir J.
Hogg, J. W.
Howard, P.
Inglis, Sir R.
Irton, S.
Lincoln, Earl of
Lygon, Hon. Colonel
Nicholl, J.
Patten, J. W.
Pringle, A.
Rice, Rt. Hon. T. S.
Rolfe, Sir M. R.
Scarlett, Hon. R. C.
Shaw, Rt. Hon. F.
Stormont, Viscount
Twiss, H.
Vere, Sir C.
Verney, Sir H.
Wilbraham, Hn. R. B.

TELLERS.

O'Ferrall, M.
Stuart, R.

## HOUSE OF LORDS,

### *Friday, July* 31, 1835.

MINUTES.] Petitions presented. By the Earl of KINNOUL, from the Mission of Grantully, Dunkeld, for further Accommodation in Scotch Churches.—By the Duke of WELLINGTON and Earl BROWNLOW, from Liverpool and other Places, against the Municipal Corporations' Bill.

CORPORATION REFORM BILL.] Counsel were again heard against the Bill, and ordered to be again heard on the following day.

## HOUSE OF COMMONS,

### *Friday, July* 31, 1835.

MINUTES.] Bills. Read a first time:—Tonnage Admeasurement:—Read a second time:—Prisons' Regulation; Excise Incorporation (Scotland); Glasgow University.

Petitions presented. By Mr. Herbert Curteis, from a Parish in Sussex, against a Clause in the Poor-Law Amendment Act which compels Rate-payers to refund the Money borrowed for Building Workhouses; from Salehurst, and other Places, in favour of the Church of Ireland Bill.—By Dr. Bowring, from Renfrew, against the Royal Burghs' (Scotland) Bill.—By Mr. Sharman Crawford, from Upper and Lower Cumber, for a more Equitable Assessment of Tithes.

East India Maritime Officers.] Mr. *Robinson* presented a Petition from the maritime officers late in the East-India Company's service, praying the House to take their case into consideration, with a view to their speedy redress. The hon. Member said, that the informality in the petition which was withdrawn the other day was in the present petition removed, and he, therefore, hoped the House would take the petitioners' very hard case into their consideration. The exclusion of the petitioners from the compensation allotted by the East-India Company, in consequence of the arrangement with the House, to their other officers, was most unjust. The hon. Member stated in conclusion, if he were unable to obtain redress by the present step, he should bring the subject before the House either this or next Session in a substantive form.

Mr. *Vernon Smith*, in the absence of the right hon. Baronet, the President of the Board of Control (Sir John Hobhouse) thought he would briefly state what had been done by the Board of Control, and what were their future intentions. The hon. Gentleman had neglected to state what the specific redress was which the petitioners desired. He had described the decision of the Company as faulty in respect to compensation; but he thought that it was so on the side of extravagance. As to the rule adopted, it had been laid down by Lord Glenelg, and supported by a great quantity of evidence and the Committee had determined not to open it afresh. It was not a question now whether the rule was good or bad; it had been necessary to adopt some one rule of compensation, and this had, after the most serious deliberation, been deemed the most advisable. The Company had already paid 250,000*l*. in gratuities, and granted annuities to the extent of 40,000*l*. a year more; so that the whole amount they had expended was not less than 696,000*l*. The Committee had no doubt recommended the Company to reconsider certain cases which had been exempted, and this had been done, though perhaps the result of the reconsideration had not been so favourable as the petitioners or those hon. Members who so efficiently supported them might have wished. The Company had at the same time agreed, that if cases should be found of peculiar hardship, or in fact of distress, that such cases should be remedied out of the Charitable Fund. It had been complained by some of the excluded officers that the refusal had been communicated in harsh terms. He could assure them that they had formed an erroneous view of the matter. They certainly had met with no harshness on the part of the Board of Control. He would again state, that unless some fresh proposition was made on the subject from the Company, the Board of Control had neither the intention, nor indeed the power, to do anything further.

Mr. *George F. Young* said, that the petitioners did not come before the House, or the Board of Control, or the Company, *in forma pauperis*; their claim was one of strict and substantial justice; and when the hon. Gentleman, as it was now rendered incumbent upon him, should bring forward their case in the shape of a Bill, it should have the same hearty support from him which he now gave this petition.

Mr. *Buckingham* thought, the Board of Control ought sometimes rather to be called the Board of "Obedience," from the readiness with which it accorded with the views of the Court of Directors. He considered, the case of the petitioners one of peculiar hardship, recollecting what valuable services they had formerly rendered to the East-India Company.

Mr. *Robinson* observed, that if the Court of Directors had no power to alter their decision, the appointment of the Select Committee was a mere mockery. He would venture, however, though no lawyer, to give an opposite opinion; and could assert that the Directors had still 500,000*l*. at their disposal for the purpose if they thought fit so to apply it. He contended, also, that the Directors had been guilty of a gross misapplication of money in awarding compensation to some officers, although this was not a ground taken by the excluded officers who did not wish to murmur at the better success of their brethren. The petitioners only came to the House as a last resource, and were willing to leave the whole to the Directors as their legitimate masters, if they saw a disposition to do them justice. Failing in every application they had been driven to lay their case before Parliament.

Mr. *Cutlar Fergusson* admitted, that many of the cases of the excluded officers were extremely hard, but must repeat his doubt as to the power of the Directors.

Petition to be laid upon the Table.

THOMAS MOORE KEITH.] Lord *Stormont* presented a Petition from Thomas Moore Keith, praying to be discharged from custody. In order that the House might not at all be taken by surprise, he would postpone the motion for the discharge of Mr. Keith till Monday.

Mr. *Wason* moved, that Mr. Keith be sent down to Norwich on the 1st of August, in custody of the Sergeant-at-Arms, to give evidence, if required, before the Grand Jury. His reason was, that it was due as an act of justice to Pilgrim who feared that if the Bill against him were thrown out, it would be said that the result was occasioned by the absence of Mr. Keith, who was confined by the House of Commons. It was possible also that the trial might be postponed in consequence of the want of the evidence of Mr. Keith, and then it would be kept hanging over Pilgrim's head for six months longer.

Mr. *Scarlett* denied that Keith's evidence would be required before the Grand Jury, or that the trial would be postponed, as both parties were anxious that it should come on.

Mr. *Wodehouse*, who was one of the Grand Jury, was quite sure that that body would not be discharged, so that Mr. Keith might, if his testimony were required, appear before it in the regular course, after he had been discharged by the House. If he was then still in custody he could be sent for.

Mr. *Williams Wynn* proposed the adjournment of the farther discussion until Monday, which would be in time for the Grand Jury at Nowich.

The debate adjourned.

CASE OF WILLIAM PRENTICE.] Lord *Francis Egerton* moved that William Prentice be called to the Bar.

Prentice having been placed at the Bar,

The *Speaker* said: You have been examined as a witness before the Committee of this House to which the Petitions complaining of bribery at the Great Yarmouth and York elections were referred. *Prentice*· Yes, Sir. Before that Committee you were asked this question, "Will you state from whom you received that sum of one or two hundred pounds of which you had been speaking, and do not answer away from the question, because the Committee will make up their minds shortly;"—I was, Sir. You declined to answer it?—I did, Sir. Upon what grounds?—I was accused of various things, and as I was not acquainted with the consequences that might happen, a sort of timidity affected me. I could not tell of what I was accused. Notice was given to me that I had been charged with bribery. I could not tell what the feelings of the Committee might be, so I declined to answer the question. Do you still decline answering that question?—I must still decline; but I can assure you I had not the remotest idea of being guilty of contempt towards the House. I did it merely for self-preservation. I had not a fair chance. I could not tell of what I was accused.

Mr. *Williams Wynn*: Were you of opinion that the question might tend to criminate youself?—I was of that opinion. Are you still of that opinion?—Yes. Had you received any notice stating that you were charged, by the parties preferring these petitions, with bribery?—I had.

Mr. *Wason*: Have you had any conversation with any person respecting these words, "Hold in your oath?"—I have not, Sir.

Mr. *Benett*: Did you decline to answer the question in consequence of the advice of the friend you consulted?—I did. Who was that friend?—Am I to answer that question? My question is who was that friend?—I ask the Speaker whether I must answer that question? [*cries of "Withdraw!"*]

Mr. Prentice was ordered to withdraw.

A discussion took place, as to the propriety of requiring the witness to answer the question, and it was agreed that the witness should be required to do so.

Mr. Prentice was called in and told by the Speaker that the decision of the House was, that he must answer the question put to him.

The question was again put, Who was that friend?—Mr. Pritt.

Mr. *Benett*: Did any other person give you advice?—No, Sir. Did any person give you any advice as to your conduct before the Committee?—No, Sir.

Mr. *Hawes*: Has anybody given you

advice subsequently?—I cannot say I have not been spoken to upon the subject, but my determination was made before. By whom have you been spoken to since? [*Cries of* "*No, no.*" "*Withdraw, withdraw.*"]

The witness was ordered to withdraw.

Lord *Francis Egerton* was of opinion that the question ought not to be put. He thought it was not a matter of consideration with the House, whether the witness received any other advice or not. He, as Chairman of the Committee, had advised the witness not to answer any question that might criminate himself. There was considerable difference of opinion in the Committee as to whether the course he had adopted was right or not. He thought the point a delicate one; and it was a relief to him that the decision of the Committee had been now approved of by the House.

Mr. *Hawes* said, there were two points to be attended to—the first related to the fact of the witness having received a sum of money; and the second respected the party from whom that money was received. The witness admitted he had received money, but he refused to say from whom he received it; and then came the question—who advised the witness to refuse to answer that question. He had told the House who advised him, before he refused answering. The question now was—with whom had he consulted since.

Mr. *Williams Wynn* thought the House had better proceed to consider, whether the question put by the Committee ought to be answered. It was a question of great nicety.

Mr. *O'Connell* rose to order. The question before the House was, whether the question that had been put by the hon. Member for Lambeth should be answered or not. That question was, whether anybody else had spoken to the witness upon the subject of his evidence, since he was before the Committee? His answer to that question could not possibly criminate himself with bribery. There was, therefore, not the least objection to the question being put.

Mr. *Praed* objected to the question being put. It was totally useless and irrelevant. It could not be put for the purpose of deciding as to the conduct of the witness before the Committee. His offence (if any) was complete, when he refused to answer the question put by the Committee. Was it necessary, then, to put the question of the hon. Member for Lambeth, in order to proceed against other parties? How could the House proceed against other parties? The Chairman of the Committee told the witness that he was not bound to answer any questions that might criminate himself. The witness then consulted with other parties, who, assuming the Chairman was correct in the caution given by him, advised the witness not to answer the question, because it would tend to criminate him. Was it possible for that person, giving such advice, to be punished for so doing? It was impossible. Though answering the question, therefore, might not do any harm, it could do no good, and was wasting time. It was assuming a most inquisitorial character.

Mr. *O'Connell* denied, that it was a waste of time. The hon. Gentleman had used the word inquisitorial, and not improperly so; for what was the House doing? Endeavouring to trace to the source the worst species of crime that could possibly be committed—bribery. It was the duty of the House to sift the whole matter to the bottom. Suppose those who adduced Prentice as a witness should prove to be the parties who advised him not to give his evidence; or suppose those who gave Prentice the money were the parties advising him to refuse giving evidence. Surely in either case the fact would be most material.

Mr. *R. Wason* considered the question to be a most material one, as it would ultimately affect the decision of the House. The witness had said that Mr. Pritt had advised him not to answer the question. Suppose it should turn out that the agent and the parties opposing the petition should have since advised him not to answer the question. The next question which the hon. Member for Lambeth would put would naturally be, "Had you any communication with those parties previous to your going before the Committee."

Mr. *Hardy* observed, that the only question which the House had to deal with was, whether the witness did wrong in refusing to answer the question put to him by the Committee. With his subsequent conduct the House had nothing whatever to do.

Mr. *Williams Wynn*: The question as to whether the person who advised the witness had committed a breach of the privileges of the House or not, was matter for subsequent consideration. It was not at all material to know with whom the witness consulted until the House had determined whether he was privileged from giving an answer or not.

Mr. *Scarlett* would put it to the honour of every Gentleman, whether the House ought to be a party to oblige a witness to do what no Gentleman under similar circumstances would consent to do?

Mr. *O'Connell*: Why should not the witness tell who gave him the advice? Was it because the advice itself was felt to be bad.

Lord *John Russell* was of opinion that the House was not to investigate the charge of bribery. That was a question for the Committee to consider. He, however, understood that the House had decided that the witness ought to answer the question put to him by the Committee. If that was not the case, they had better decide that point first.

Mr. *Hawes* would, in order to facilitate that decision, withdraw his question for the present.

Lord *John Russell* then moved, that it was the opinion of this House that the witness ought to answer the question put to him by the Committee.

Mr. *Williams Wynn* concurred in the Motion, inasmuch as he could not conceive how the witness could criminate himself by answering the question. If indeed the question had been put as to the application of the money, he then should have supported the witness in declining to answer such a question.

Mr. *Hardy* considered it a mockery to tell a witness that he was not bound to answer any question that would tend to criminate himself, and then immediately to determine that the witness was bound to answer a certain question that was put to him. Who was to be the judge of the tendency of the answer? The witness was the only person who could say whether or not the effect of the answer would be to criminate him. Suppose the witness said he received the money from the agent, the next question would be, how did you dispose of it. Suppose the witness could not say what he did with the money, would not the inference be that it remained with himself, and that he received it as a bribe?

Mr. *O'Connell* said, that the witness had already admitted receiving the money, to say, therefore, from whom he received it could not criminate himself, however it might affect the party who gave it to him.

Dr. *Nicholl* had referred to the authorities on this subject since he last gave his opinion upon it, and had been induced to change that opinion. He referred to the case of Blackstone *v.* Davis, in 16 Vesey's Reports, before Lord Ellenborough; and to another case before Lord Mansfield, in both of which it was laid down, that a particular question could not be selected from a series of questions, in order to be put to a witness, if that particular question had reference to a fact which would form a link in the chain of evidence that might criminate the party.

The House divided on the Motion: Ayes 119; Noes 49.—Majority 70.

Prentice was again called to the bar and addressed by

The *Speaker* to the following effect:—I have now to inform you that it is the opinion of the House that you ought to answer the question put to you by the Committee—from whom you received the sum of 100*l.* to 200*l.*; and that the House has decided that that question was a proper and correct one to be put to you. Having acquainted you with this decision of the House, I have further to add, that this House does now expect that when you are next called before the Committee you will be ready to answer that question, on the assurance that this House is desirous that you should be protected in giving your evidence, and that you should not answer any question which will criminate yourself. I wish now to know whether you are prepared to go before the Committee, and, concurring in the determination of this House, to answer the question when it shall be again repeated to you by that Committee?

Prentice: May I have time to consider that question, Sir? [After a short pause] I still adhere to my former determination. You still adhere to your former determination?—Yes. I wish to state distinctly to your hon. House, that I do not do so from any feeling of contempt for that Committee. I shall ever be grateful for the indulgence I have received from it. It is more than I expected, more than I anticipated, and more than I could have asked. It is entirely from motives of self-preservation that I do this; and I throw myself upon the mercy of your hon. House.

The witness ordered to withdraw.

Lord *John Russell* said: After the answer the witness has just given, Sir, it becomes necessary for me to move "That the witness, in refusing to answer the question put by the Committee, is guilty of a breach of the privileges of this House."

Sir *Henry Hardinge* begged to ask whether an individual, who was assured that he would be protected by the Committee and by that House, in giving his evidence, and that he was not desired to criminate himself, ought to be made the subject of such a motion? Were they—first giving him the option, and assuring him of their protection, he being of course the best judge of what would commit himself—in the first place to offer him protection, and then to punish him? It did appear to him—with all respect for the opinion of the House, when it was expressed by the majority; and with all respect for the noble Lord—to be so great an absurdity, that he really could not understand it. It did appear to him—the individual who had just been called in having been told by the Chairman of the Committee, and afterwards on the high authority of the Speaker, that he was not expected to answer any question which might criminate himself—that this was a barbarous proceeding. To give him the option, and then to punish him for forming his own determination, was, he repeated, extraordinary and absurd.

Mr. *O'Connell*: It would be much more extraordinary, and abundantly more absurd, if the House, having decided that the question is not one which would criminate the witness, there were to be an appeal from the decision of the House, to the judgment of the witness. It would be an excellent scheme of protecting—not the witness, but somebody else. It was not the witness that required protection; somebody else was the person to be protected; not the witness. The House having decided that the witness was bound to answer the question, he thought it was not easily to be conceded that the witness, after that decision, should presume to insist on his refusal.

Mr. *Goulburn* felt bound to admit that the House had no alternative but to accede to the Motion, as the witness still refused to answer the question. He had expressed his opinion in the Committee that the witness was justified in refusing to answer the question, but he was bound to defer to the decision of the House.

Mr. *Wodehouse* was of opinion that no one could view a case of this kind without being strongly impressed with the necessity of some better tribunal than at present existed for dealing with such questions. There was rapidly spreading throughout the country a feeling of dissatisfaction and terror at the proceedings of that House. He was fully persuaded that it would be considered a court of tyranny and menace, bound by no rule of law, and actuated by no feelings of mercy.

Mr. *Harvey* entirely differed from the hon. Gentleman who had just sat down. So far from the impression being produced throughout the country, that the House was acting with any tyrannical feeling, he thought the impression would be, that it was offering a premium to bribery, and a protection to those who committed it. For, after all, what did the present case amount to? A man crafty and subtile, as the present witness undoubtedly was, admirably well selected for the purpose of the concealed and deeper villanies of the proceeding,—this man was told, through the organs of daily communication, that the extremest punishment to which he could possibly be exposed, was to be sent to Newgate for the short remaining period of the Session. The crime of which he was presumed to be guilty—the crime he protected by his silence—was a direct attack on the dearest interests of the people. In what way was it possible for men of feeble fortunes, but of sincere and honest intentions, to stand up as advocates of the people and their rights, if they were to be assailed by a large and concealed fund, supplied from the overgrown wealth of the bloated creatures, who dreaded that in the crumbling of corruption they would be buried beneath its ruins. It appeared to him that one question more ought to have been put to the witness as a test of his sincerity. It was this:—"If you are assured of the protection of the House by the exercise of that power which, as the Supreme Court of Legislature, it possesses—if the protection of the law be thrown around your pure and honest conduct—are you prepared to act an honest part, and state by whom you have been employed, from whom you received the money in question, and for what purpose you applied it?" If the witness stated in reply that he was anxious to do his duty, but that he dreaded the consequences of the penalties to which he would be liable, when those who were the foremost to urge him forward in his career of crime were the first to desert him—if he stated that he was ready, as a citizen of this country, to tell the whole tale of the wrongs complained of, but was deterred by this apprehension, then would be the time to appeal to the consideration of that House; and he (Mr. Harvey) was quite certain that such an appeal would not be unavailing.

Mr. *Williams Wynn* contended that the House had no power to put such a question to the witness. The House could indemnify witnesses by sending up a Bill to the other House for that purpose; but beyond this they could grant him no further indemnity than protecting him in giving his evidence.

Mr. *Pringle* repudiated, in the most decided manner, the motives which the hon. and learned Member for Dublin, and the hon. and learned Member for Southwark, had imputed to those who were left in the minority in the division which had just taken place—he meant a disposition to uphold bribery.

Mr. *Warburton* thought a very fit occasion had arisen for making some communication to the House of Lords to consult the Journals of that House, with the view of ascertaining in what state the Bill for the indemnity of witnesses, which had been sent up to their Lordships, now was. He thought the present would be a very fit case for exercising the power contemplated by that measure. He believed they were all agreed that a breach of privilege had been committed.

Mr. *Hume* observed that the House had on former occasions interfered to stay actions of a much more important nature against individuals. As he thought it very advisable that the witness should be called in, and asked the question proposed by his hon. Friend, the Member for Southwark, he hoped the noble Lord would consent to withdraw his Motion for the present.

Mr. *Ord* begged to state, with reference to the Witnesses' Indemnity Bill, that on inquiry he learned that it had been ordered to be printed by the House of Lords a month or six weeks ago, since which it had slept, and made no further progress whatever.

Mr. *Hardy* said, that the House having decided that the witness ought to reply to the question, he was bound to abide by its decision, and to answer the question whatever the consequences might be; at the same time he was persuaded that the noble Chairman of the Committee, and he believed he might add every Member of it, would support him in stating that, with the single exception of refusing to answer this question, the conduct of the witness had been unexceptionable.

Question carried.

Lord *John Russell*: I have now to move that the witness be taken into the custody of the Sergeant-at-arms, in order that he may be examined from time to time before the Committee.

Motion agreed to.

CORPORATION REFORM (IRELAND).] Mr. Sergeant *Perrin* could not rise to move for leave to bring in a Bill for the better regulation of the Municipal Corporations of Ireland, without in the outset expressing the regret he sincerely felt that the task should not have devolved upon an individual more competent to do justice to it. He hoped that the House would extend towards him that indulgence which, even if he possessed a greater share of experience, he might fairly hope to receive, while he proceeded to develope the grounds on which he founded the motion he meant to submit to the House. Before he proceeded further, they would permit him to express a hope that they would not refuse him the liberty he sought, or object to provide for the better regulation of the Municipal Corporations of Ireland, after they had reformed the Corporations of Scotland, and passed a Bill for the reform of the Municipal Corporations of England. He certainly felt considerably relieved in undertaking the task, by the recollection of the ample discussion and full consideration which the House had very recently bestowed upon the subject of Municipal Corporations, which rendered it as unnecessary as it would be unbecoming to enlarge upon the principles on which a Bill of that sort must rest, or upon the advantages which a well-ordered and well-regulated Municipal Corporation conferred on the district with which it was connected. The subject to which he chiefly wished to call the attention of the House was the present existing state of the corporations of Ireland, and the abuses which had crept into those corporations—which abuses he considered rendered it imperative on the Government to bring them under the consideration of the Legislature. It appeared from the Report of the Commissioners appointed by his Majesty to inquire as to the existing state of the Corporations of Ireland, that the Commissioners found it to be such as required the immediate attention and interference of the House. It appeared from the Report, that the greater number of the Corporations might be generally described as consisting of self-elected, irresponsible governing bodies of twelve or more members, by whom the whole corporate powers were exercised; that in many boroughs the existence of freemen was unknown, and even where admitted, they were, in most cases, comparatively few in number, and had little, if any, power or influence. Would the House believe—yet it appeared by the Commissioners' Report, —that in the town of Belfast there were but six freemen now known to be in existence? It appeared also by the Report, that in those corporations, or at least in the generality of them, for he did not speak universally or absolutely, but in the greater part of the corporations, that the commonalty or freemen had neither, directly or indirectly, any voice in, or control over, the election of the corporate officers, nor any other effective means by which the wishes of the inhabitants could be ascertained as to the choice of those persons who were to manage the corporate business. The modes in which the small share of the popular influence existing in those bodies was exercised, and its practical extent in each varied considerably; but they were minutely laid down in the separate local reports or tables of details, with which it would not be necessary that he should detain the House at present, excepting while he detailed the state of the corporations of one or two towns, with the circumstances of which he himself was well acquainted, as a specimen, to show the general state of the corporations in Ireland. The Commissioners, in describing the present state of the corporations of Ireland, said: "It has followed, that in many towns there is no recognized commonalty; that in others, where existing in name it is entirely disproportioned to the inhabitants, and consists of a very small portion, of an exclusive character, not comprising the mercantile interests, nor representing the wealth, intelligence, or respectability of the town. The corporations are, not without reason, looked upon by the great body of the inhabitants of the corporate districts with suspicion and distrust, as having interests distinct from, and adverse to, the general community, whom they studiously exclude from a participation in the Municipal Government. Their members frequently consist entirely of the relatives and adherents of particular individuals or families, and the principles of their association, and those which regulate admission or exclusion, have rarely any connexion with the common benefit of the district, or the wishes of its inhabitants. In far the greater number of the close corporations, the persons comprising them are the mere nominees of the 'patron' or 'proprietor' of the borough; while in those apparently more enlarged, they are admitted and associated in support of some particular political interest, most frequently at variance with the majority of the resident inhabitancy." But an essential, a fundamental, and most just objection to the present constitution of those corporations was their exclusive and sectarian character. He could not illustrate this in better words than those made use of by the Commissioners in their Report, and he would therefore beg leave to read them. The Report stated that "This system deserves peculiar notice in reference to your Majesty's Roman Catholic subjects. In one corporation alone, that of Tuam, the majority of the governing body is Roman Catholic, one only of the burgesses being a Protestant. The laws which for a series of years operated to exclude those professing the Roman Catholic religion from corporations were repealed in the year 1793, by the statute 33 Geo. 3rd, cap. 21; but the Roman Catholics have hitherto derived little practical advantage from the change. In the close boroughs, they are almost universally excluded from all corporate privileges." The report then proceeds to state that even in the corporations where rights to freedom are acknowledged and conceded, the long operation of the penal code having prevented the acquisition of freedom by the immediate ancestors of the present Roman Catholic population, very few have been enabled, since its repeal to establish the requisite titles; and after stating that the admissions which have taken place have, for the most part, been the result either of personal influence with the members of the governing body, or compliments to individuals of wealth or popularity, it goes on:—"Previously to the relaxation of the penal code, the number of opulent Roman Catholics residing in the corporate cities and towns was necessarily limited. But since those changes in the laws, which have enabled them to share in the general diffusion of wealth and in the benefits of unrestricted industry, they have risen and multiplied in the middle and upper classes, so that, in most of the cities and towns, they constitute not only a majority of the whole population, but a large proportion of the more opulent orders. We feel bound to submit to your Majesty that a system of municipal polity, which excludes such a class of your Majesty's subjects from all substantial Corporate privilege and power, must be essentially defective in its structure. It fails to secure to the different classes of the local community participation in the regulation of their own concerns; and it operates far more widely, and more mischievously, than by the mere denial of equal privilege to persons possessing perfect equality of civil worth; for in places where the great mass of the population is Roman Catholic, and persons of that persuasion are, for all efficient purposes, excluded from corporate privileges, the necessary result is, that the Municipal Magistracy belongs entirely to the other religious persuasion; and the dispensation of local justice, and the selection of Juries, being committed to the members of one class exclusively, it is not surprising that such administration of the laws should be regarded with distrust and suspicion by the other and more numerous body. The unpopular character of the municipal bodies is thus, in too many cases, aggravated by their being considered inimical, on the ground of Sectarian feelings, to a great majority of the resident population, and they become instrumental to the continuance of the unhappy dissensions which it has so long been the policy of the Legislature to allay." And accordingly in the conclusion of their Report the Commissioners state, " that the early and effectual correction of existing evils, and the prevention of future mischief, are anxiously desired and essentially requisite: and that these benefits can be attained only by means of a general and complete reform of the constitution of the Municipal Corporations in Ireland." It was not his intention to detain the House by calling its attention to all the local Reports on the different corporations made by the Commissioners, but he felt that it was material to the understanding of the grounds of his Motion, that he should briefly advert to some remarkable cases, but he would promise to occupy the time of the House as briefly as possible. He would not do so at all if it were not that he was sensible he could not do justice to his case without drawing attention to some particular point of the inquiry. He had already stated that, in many of the Corporations, the inhabitants had but a small share in the administration of the Corporate property. In this he was borne out by the Report of the Commissioners, to a part of whose Report he would now draw attention. He found that in 1833, in the town of Cashel the number of inhabitants was 7,000, while the number of corporators, including mayor, burgesses, and freemen, was only 38. In Clonmel the number of inhabitants was 15,134, and the number of corporators 178. In Kilkenny the number of inhabitants was 23,741, and the number of the corporators 469. In Waterford the population was 28,821*l.* and the number of corporators 869. In Castlebar the number of inhabitants was 6,373, and the corporators 6. In mentioning these places he was not giving those in which the disproportion between the inhabitants and corporation was greatest, but he merely picked them out as the principal towns in the districts. In Ennis the number of inhabitants was 9,568, the number of corporators 13. In Galway the number of inhabitants was 33,120, the number of corporators 1,770. In Limerick the number of inhabitants was 66,554, the number of corporators 271. In Tralee the number of inhabitants was 9,568, the number of corporators only 14. In Athlone the number of inhabitants was 11,406, the number of corporators 243. In Carlow the inhabitants were 9,114, the corporators 33. In Maryborough the inhabitants were 5,000, the corporators 9. In Naas the number of inhabitants was 3,808 the number of corporators 16. In Portarlington the number of inhabitants was 3,091, the number of corporators 16. In Cork the number of inhabitants was 100,716, the number of corporators 2,665. In Kinsale the number of inhabitants was 8,126, the corporators 63, In Youghall the number of inhabitants was 11,327, while the number of corporators 221. In Armagh the number of inhabitants was 9,470, the corporators 16. In Belfast the inhabitants were 53,287, the corporators 21. In Drogheda the inhabitants were 17,365, the corporators

426. In Dundalk the inhabitants were 10,750, the number of corporators 40; and in Dublin, with a population of upwards of 200,000 persons, the corporators only numbered 4,000. There were five towns which had sent no returns, but the result of the whole corporators, with the exception of those not returned, and they were not of any particular importance, was, that the whole body of corporators might be safely taken at 13,000 for the whole of Ireland, while the population of the boroughs was 900,000; so that the whole body which represented those 900,000 inhabitants of those towns, by whom the police of the towns was governed, by whom their affairs were directed—the body which governed all the public affairs of that large constituency consisted of only 13,000 persons. In large towns, and counties of cities and towns, it was to be observed that these corporators who were so disproportioned in their number to the inhabitants, not only had the regulation of the police of the town under their charge, not merely directed and disbursed the corporate funds and property—not merely had the selection of the magistrates of the borough and managed the municipal corporations—but had the selection of the sheriffs which sheriffs had the selection of juries—of the grand and petty juries who tried all the civil as well as the criminal causes of the country. So that those corporators who had been shown to be a small sectarian and exclusive body, had the selection of the Grand Jury and the Petit Jury, which was to sit in judgment over the lives and property of the whole country. Could it be wondered at that the administration of justice should be under suspicion, when it was placed under such influence? But that was not the only power they had. They had also the power of imposing taxation upon those whom they governed, at their own discretion, and to any extent they chose. The 100,000 inhabitants of Cork could be taxed at discretion by the 2,000 self-elected and uncontrolled corporators. How the small bodies of corporators managed the Corporations might be seen by looking into the Report, but at present it was not his province to enter upon it. He would ask, however, if it was right—if it was agreeable to the principles of the Constitution or to reason, that any body of rational men should endure that 13,000 self-elected persons should not only take possession of all the Corporate property, but even rule the destinies and control the administration of justice over 900,000 persons. With respect to the smaller towns, the entire Corporation, in most instances, did not consist of more than twelve persons, and, as he had before stated, they were generally the nominees of an individual, or connected with each other, being parts of one family. He would, in the first place, call the attention of the House to the state of the borough of Cashel—and he would enlarge the more upon it, not so much on account of its importance, or its peculiar corruption, but because he was connected with that borough, had examined the facts as stated in the Report, and found them entirely correct. These facts had not only been vouched for by competent and dispassionate Commissioners, but had been the subject of legal proceedings, and the records of the Courts of Law in Ireland, before which most of the facts came, supplied additional proofs of their correctness. He thought it might, therefore, be fairly stated that the facts given in the Report might be safely relied upon as correct; and, further, that the evils which appeared in one borough might be said to exist under different shapes in all the boroughs and Corporations throughout Ireland. It appeared from the Report, "that the population of the city of Cashel, in 1831, was 7,000, but including the liberties and commons it might be near 12,000, of whom we were informed," say the Commissioners, "that the majority were Roman Catholics, perhaps in the proportion of twenty to one. The state of the town is by no means thriving or prosperous, and there is a great number of poor persons in a state of distress. This is ascribed partly to the want of sufficient employment for the poorer classes, and partly to the influx of persons who have been ejected from their farms since the Subletting Act, and who generally come into the town in great poverty and distress." The Report further states, "There is no considerable manufacture here, and there is very little employment for the poorer classes, except in agriculture, and even this is very uncertain; because, at the seasons when labourers are required, there is a considerable influx of them from other parts of the country." And it adds, "The wages of a labourer, on an average, throughout the year, are about 8*d*. a day without his diet, and this he receives only during the time he

is employed, which is about two-thirds of the year. A witness, who is a medical man, was, in the summer of 1832, secretary to the Board of Health in Cashel, and it became his duty to visit the habitations of the poor, and he stated, that on that occasion he ascertained that there were 500 families in Cashel without a blanket to cover them." Now this evidence was given by a person called by the Commissioners, but connected with the Corporation, and as it was given in open court, and *viva voce,* the corporators had an opportunity, if they did not choose to come forward with evidence themselves (which they did, and he was happy to say that few Corporations had refused to give evidence), they could at least have corrected the evidence of the medical man. So that this statement was as likely to be true as any evidence that could be desired. Now it appeared that the inhabitants of Cashel suffered from the want of a supply of water. The town had been formerly supplied from the river called Bolton's river, which was brought into the town about 100 years ago by Archbishop Bolton, but had soon after been diverted into a different course, and an Act of Parliament procured to prevent its being taken away from mills, which were built upon it. It appeared that a supply of water would be a great relief to all classes in Cashel, and particularly to the poor who in summer were frequently exposed to extreme inconvenience from the want of water. It was stated as the opinion of an eminent engineer, that a sufficient supply of water for the accommodation of the inhabitants could be procured for 500*l.*, and that a supply of water, for manufacturing purposes, could be brought to Cashel for 2,000*l.* or 3,000*l.*, which, if done, would, perhaps, be the means of promoting the wealth, industry, and comfort of the inhabitants. That was the state of the poor of Cashel; and it further appeared from the Report that the town was not lighted, and that the streets were as dirty and in want of repair as any in Ireland. But what was the condition of the Corporation in the town thus described? The House would be surprised when he told it that the Corporation of the town, the condition of the poor of which the Commissioners had described as not merely wanting a full supply of water for the ordinary purposes of life, but being altogether deprived of it for the purposes of manufactures, it would be surprised to hear that that very Corporation was at this moment in possession of 2,024 acres of land in the neighbourhood of the town which would let at an average at full 1*l.* per acre. Now for how much would the House believe that these 2,024 acres worth 1*l.* per acre were let? They were let o a lease for 219*l.* a-year. How could this be? How could any body of men venture thus to waste the property intrusted to them? But the right by which they ventured to do it appeared plainly from the answer which the corporators made to an information filed against them in 1832, for misappropriating the Corporate property; for in that answer they state that "they are entitled to hold the said land, &c., to and for their own use and benefit freed and discharged from any use and trust whatever, in absolute dominion and ownership." It was not necessary for him to show that, upon every obligation of justice and right, these funds ought to have been applied towards the good of the Corporation. So flagrant was this case that, if he had known no other, he should, upon it alone, have considered himself entitled to ask for a Reform in the Municipal Corporations. It appeared from the Report, that, at the time of the inquiry, the governing body of Cashel, "consisting of the Mayor and Aldermen, are said to be the ruling body of the Corporation; but, in point of fact, it would appear that for many years the absolute power, both over the property and privileges of the Corporation, has been exercised by the head or patron through the Board of Aldermen. Since the year 1777, the patron of the Corporation seems exclusively to have enjoyed the power of procuring the election of the Aldermen and of the several officers of the Corporation, who were said to be elected by the Board of Aldermen; of procuring the admission of freemen; and of disposing of the Corporation property as he pleased; preserving, however, the form of Corporate transactions, by having the orders for granting the loans, &c., entered in the Corporation books as if made by the Board of Aldermen. The late patron seems also to have had the power of procuring the return of the Members of Parliament for the city of Cashel. These powers he is alleged to have exercised for a period of fifty years." The late patron of the borough was a gentleman of great consequence and wealth, and the list of Aldermen, and of the relationship or connexion in which they all stood to him showed the industry and care with which he sought to confirm and perpetuate his power and influence. He would not mention the names of the parties, but they stood in the following relationship to the patron:—The Mayor was son-in-law to the late patron—first Alderman, brother of ditto—second Alderman, son of ditto—third Alderman, son of ditto—fourth Alderman, son-in-law of ditto—fifth Alderman, son-in-law of ditto—sixth Alderman, grandson of ditto — seventh Alderman, nephew of ditto—eighth Alderman, nephew of ditto—ninth Alderman, nephew of ditto—tenth Alderman, cousin of ditto—eleventh Alderman and Recorder, cousin of ditto—twelfth Alderman, cousin of ditto—thirteenth Alderman, cousin of ditto—fourteenth Alderman, married to a niece of ditto—fifteenth Alderman, first cousin of first wife of ditto. Now were all these Aldermen not under the sole rule and direction of one man? The Commissioners added—"The patron's influence in all things but returning the Member to Parliament, since the Reform Act is supposed still to exist; and it would seem that it has been generally exercised for the advantage of the patron and his friends, and that little regard has for many years been paid to the interests of the city or the public." He had now stated to the House the condition of the town of Cashel; but with regard to its property, he might say that it was leased out in ten leases, all of which were in the hands of the family of the patron. There were facts connected with one of the leases which he should like to state. It would occupy their time for some moments, but he hoped he should be excused, as it would show how they managed those things in Ireland. During the discussion upon the Reform Bill, a great deal had been said by hon. Members on the opposite side of the House in regard to the injury which would be done to the poorer towns of England by being deprived of freemen. He hoped that the same feeling which dictated such sentiments—sentiments which he applauded, would lead the same hon. Members now to extend that sympathy to the poorer and humbler freemen of Ireland which they had so strongly felt for the freemen of England. If they did not, the people of England would soon see from what all their sympathies and all their professions proceeded. Although this was not an English question, the freemen of England who were so much cherished, would see that they were the only objects for whom the struggle was made, if their poor brethren of Ireland were to be abandoned by those who so powerfully sustained them. The facts of the case to which he had alluded were these. In 1732 a devise of 1,648 acres of land had been made to a Mr. Bolton on a lease of ninety-nine years, at a rent of 86*l.* 7*s.* 6*d.* This lease naturally dropped in 1831. But the occupier, Mr. Bolton, applied for the renewal of the lease in 1825 or 1826. The facts he was about to mention were stated in evidence by the agent of the patron on whom notice had been served, and the patron, together with his son, the Alderman, and his son-in-law, the Recorder, were present, and, if speaking what was untrue, could have contradicted him; but the facts were never controverted. The agent of the patron stated that Mr. Bolton offered 10,000*l*, for a renewal of the lease. In the discussion of the English Corporation Bill, a great deal had been said of the manner in which the Corporate property should be managed; but they managed things better in Ireland, for there was never any property left to manage, and all that discussion might be spared. He would say, that whatever the rank of the person, whether he was lord or commoner, or whatever his principles, whether Whig or Tory, they all took care that no trouble should be given as to the management of property. But to return—as he had said, a sum of 10,000*l.* was offered by Mr. Bolton for a renewal of his lease. The patron said it was too little; Mr. Bolton then said he would give 13,000*l.*, and it was agreed that the question should be referred to a notary; but in the meantime the patron declined renewing the lease at all, and in 1829 he purchased Mr. Bolton's interest, in the remainder of the lease (two years), and gave 2,500*l.* for it. The patron's son was at that time Mayor of the town. The patron applied for a renewal of the lease, and his son, the Mayor, at once rid him of all the cumbrous details of value and premium, which had so much embarrassed the former negociation, and the Court without hesitation put the Corporation-seal to a lease granted to the patron without any premium. Now, in the year 1732, this land was worth one hundred and odd pounds a-year; but in the year 1830 land in Ireland had so fallen in value, the state of the country was so distracted, that this excellent Corporation, who said that they had the full and absolute dominion of the property of this borough, to and for their own use and benefit, free, and discharged from any use and trust whatsoever, disposed of these 1,500 acres for 86*l.* a-year. The sequel of the transaction was this:—When the inquiry by the Commissioners was going on, it was found that the property was then vested in the Mayor —his father, the patron, having in the meantime died. And this was one of the persons who said that it was very outrageous in the people of Ireland to call for a Reform in their Corporations. He would ask the House if that was a state of things which ought to continue? Hon. Gentlemen opposite said, "you may reform the English Corporations, but you must not touch the Irish Corporations, for you will endanger the Protestant Establishment. It was absurd to say that agitation had anything to do with the call for Reform. Agitation, however, would continue upon that subject as long as the present system was allowed to continue. He would dwell no longer upon the case of Cashel, but he would beg to bring under the notice of the House a case which occurred at Naas during the year 1832, as given by the Commissioners, but at the same time he would suppress names, as in the former case. The Case, as appeared in the Report of the Commissioners, was as follows:—"On the morning of the 29th of September, 1832, Lord ——'s law-agent, at his Lordship's house, by the direction of the Dean of——, entered in the Corporation-book the following resolutions:—"Borough of Naas and county of Kildare, to wit. At an assembly held on the 29th of September, 1832, before R. ——, Esq., sovereign; and the hon. and rev. G. ——, and J. ——, Esq., Portreeves, among other resolutions, it was resolved, that a fee-farm grant for one of the several lands and premises comprised in letters patent of King James 1st, bearing date the 2nd May, 1609, 'excepting, however, and reserving the right to certain lands and premises mentioned and comprised in a certain fee-farm grant from this Corporation to the right hon. John Lord Viscount ——, the ancestor of the Earl of ——,' be executed and perfected by this Corporation unto the said Earl of ——, his heirs and assigns, subject to the yearly rent of 12*l.* sterling."—"Resolved, That a fee-farm grant for one of the markets, and several fairs of Naas, including the Tipper fair, with the tolls, customs, &c., be executed and perfected by this Corporation until ——, to the right hon. John Earl of ——, at the yearly rent of 9*l.* 15*s.* 5*d.* sterling." These resolutions were passed without opposition. To this the Commissioners added, no fine was to have been paid for this fee-farm grant, which, according to the rental produced by the Corporation, and the evidence of the hon. Robert ——, was to convey for ever to Lord ——, a property producing 320*l.* a-year, exclusive of Mr. ——'s rent, and of the rent of the barracks, and, according to the statement of the inhabitants, upwards of 500*l.* a-year for a rent of 12*l.* per annum." The next case he should mention was that of the borough of Portarlington, which was under the management of a noble peer—a general, living in a northern county—a late right hon. Secretary at War—and a right hon. Member of the House, who had otherwise as much to do with Portarlington as he had. He did not refer to the matter invidiously, but to show how the system of nominees proceeded. In the case of Kilmallock, besides property granted by the charter of Elizabeth, the Corporation at one time possessed land and premises near the town to the extent of about 200 acres, and now producing more than 600*l.* a-year. Of the entire of this property, while in the possession of tenants under determinable leases, they, in the year 1776, granted to the patron a lease for three lives, with perpetual renewal reserving a rent of 82*l.* 8*s.*, late Irish currency, yearly, and a renewal fine of 5*l.* on the fall of each life. The alleged consideration for this lease was a sum of 150*l.*, the amount of certain debts due by the Corporation to divers persons, which debts the patron had agreed to pay. The Report stated, in reference to this transaction, that "During all this period, from the execution of the lease of 1776, the rent of 82*l.* 8*s.* reserved by it had been paid by the patron to the Corporation, but as it was considered that after the Union that body would be useless, and might, therefore, be permitted to become extinct, it became necessary to consider how the rent should be disposed of. Accordingly a case was laid before Counsel for directions as to what was to be done on this occasion. He advised that, if the Corporation were permitted to become extinct, all the property belonging to it would lapse to the Crown, to prevent which it would be prudent, lest fortuitously by neglecting to fill up vacancies such an event should occur, that the Corporation should make a conveyance of their property to the patron, by whom, whilst the Corporation was kept up, it might be applied as theretofore in the payment of the salaries of the Corporate officers, or otherwise in trust for the Corporation. Under this opinion it was determined to act, and on the 6th October, 1800, a meeting of the Corporation was held, at which it was ordered that a fee-farm grant should be made by the Corporation, to the patron of the lands of Kilmallockhill, Quary-hill, and the several other lands, the estate of the Corporation, which were theretofore demised by them to the patron, subject to the said lease and the covenant therein contained, at the rent of a peppercorn, if demanded, and that the Town-clerk should prepare a deed accordingly, to which deed, and a counterpart thereof, it was further ordered that the Corporation-seal should be affixed. The above order was entered on the Corporation-book, and, according to the usual practice, was signed by the Sovereign and ten Burgesses, all of them near relatives or friends of the patron, amongst whom was the then Chancellor of Ireland, who, it appears by another entry in the Corporation-books, was that same day nominated of the council by the Sovereign, and sworn into office. Pursuant to this order, a deed of conveyance was prepared by the patron's solicitor, also one of the Burgesses, whereby the Corporation granted all their interest in the lands to the patron for ever, subject to the peppercorn rent, if demanded; but no stipulation was introduced for the payment of the Corporate officers, nor any other trust declared as to the property." He again asked, was it possible that such a state of things should be allowed to continue? Could they permit a governing body, self-elected and self-nominated, to mismanage the affairs of Corporations—to neglect their duty—to abandon all care of the town—to pay no attention to the police, or the due appointment and proper conduct of the magistracy—in short, to forsake every duty of a Corporation, and to misapply the property of the borough? Would those who professed themselves to be the friends of the poor, and who had lately advocated their cause with such strong and tender sympathy, any longer tolerate such a state of things? Was he to be told that this was a Jacobin attempt to overset the due and proper order that ought to prevail? He proposed not a wild and rash innovation—not a transfer of power from one party to another, but to take from a knot of usurpers property of which they had unjustly possessed themselves, and to restore it to those for whose benefit it had been granted by the royal founders. He proposed, he repeated, no rash innovation, but a renovation and a restoration, on sound, recognized, ancient, but not antiquated principles, admitted in the charters of these Corporations, and lately recognized by an Act of that House. He must trouble the House with a short reference to the original nature of those grants, in order to satisfy them, that in restoring the elective right to the inhabitants at large, he was merely carrying into effect the charters under which the Corporations had been founded, and restoring the original principles on which they proceeded. From the terms of the charters it appeared that the inhabitants generally of Corporate towns were the objects of royal care and protection, the charters containing no exclusive clauses in favour of any particular class. This was especially the case in the charters of James 1st —he supposed the term "Jacobin" might be applied to this statement—charters which strongly illustrated the fact that grants of Corporate rights were made expressly to the inhabitants of those districts and that the commonalty were included in the privileges of the Corporation. The charter of James 1st to Kilkenny, gave " to the sovereign, commonalty, and common burgesses, or inhabitants of the borough, to be a free borough corporate, and to be known by the name of 'the town or free borough of Kilkenny.'" It could not be denied, therefore, that the inhabitants of those boroughs were the original grantees of the charters, and the original constituencies of the governing bodies. Such being the case, he was acting on the ancient principle, when he proposed to extend the franchise, to take it from self-constituted knots of men and to give it to the inhabitants at large. The proposition of the Bill, in this respect, was to constitute, in all cases, the inhabitant householders, of a certain value, the elective bodies. He wished the House to recollect that in Ireland there was no general system of rating, as in England, consequently the payment of rates could not be considered the proper basis upon which to rest the qualification; and it was on this account that he proposed to give the franchise, not to the rate-payers, but to the householders. The only test or qualification required for the constituency was, that they should be householders. In large towns, where the population exceeded or amounted to 20,000, he should propose that the constituency should consist of the inhabitant householders, as long as they should remain residents, or occupiers of "any house, warehouse, counting-house, or shop." That was, they must be constant residents within seven miles of the town or borough in which the premises were situate on which they demand the right to vote. Every such house, warehouse, counting-house, or shop, must also be of the full value of 10*l.* a-year, and must have been occupied six months by the person demanding the insertion of his name on the burgess-roll. Such was the constituency that he should propose for the large towns, and he did not think that it could be said that the qualification was too low. He doubted whether any man, looking to the state of the house-holders of the large towns in Ireland, could fairly say that it was too high. The Corporate body so constituted, could not be controlled by any individual or set of individuals; they would form an intelligent constituency, knowing their rights, and determined to act up to and assert them. In the smaller towns, he intended to propose that the constituency should be composed of persons occupying even a smaller description of houses, and residing within the same distance of seven miles from the town or borough. That was, that in those smaller towns any person who had occupied any house, warehouse, counting-house, or shop, of the annual value of 5*l.* or upwards, should be entitled to have his name placed on the burgess-roll, and to vote at the election of the members of the council, &c. Some persons might say that this qualification for the voters was too low. He was not surprised that there should be a considerable difference of opinion on this subject. He did not arrogate to himself a claim of being in the right, or that Gentlemen who held a contrary opinion might not justly have arrived at a correct conclusion; but he had stated his opinion fairly, that he thought that the class of persons he proposed would form a good constituency, and he was prepared to maintain it—not merely by theoretical arguments, or speculative opinions, or by allusions to the state and condition of the towns or boroughs, but by reference to experience and facts. He would take the city of Cashel, which he had the honour to represent, and he was sure that no person acquainted with that place or any other similarly circumstanced, would say that there would be so good, so extensive, or so efficient a constituent body, if they took only the occupiers of houses of more than 10*l.* value, as if they adopted the constituency which he proposed. This body had been tried and been found to answer well. A Bill had been brought into the House in 1829, he did not know by whom (the 9th of George 4th) by which provision was made to remedy abuses and supply defects in the administration of certain things in Corporate towns. It enabled the inhabitants to rate themselves for the purpose of lighting, cleaning, and watching, towns in Ireland, where provision was not previously made for these objects. The constituency which was appointed to elect the Commissioners under this Bill was formed of the occupiers of houses of 5*l.* or upwards yearly value. This Bill provided that, whenever a certain number of the inhabitants of any borough or market town in Ireland, wished to have it brought into operation in such place, that twenty-one occupiers of 5*l.* houses should memorialise the Lord-lieutenant on the subject. That his Excellency might then call upon the inhabitants to meet to consider the subject, and that all occupiers of houses of 5*l.* yearly value or upwards should be entitled to select a certain number of Commissioners to carry the Bill into effect. All such trustees or commissioners must be occupiers of houses of 21*l.* a-year value or rental; but the constituent body was composed of the occupiers of 5*l.* houses or upwards. This Bill had been brought into operation in Newry, Downpatrick, Armagh, and several other towns, which it was unnecessary for him to mention. He knew that it had been carried into operation in several towns most beneficially, and that the

Commissioners had been elected by the occupiers of *5l.* houses. These Commissioners were elected triennially, they held their office for three years, and went out together, and might be re-elected, but in the measure he now proposed, one-third part of the Council would go out of office annually. The Bill he had referred to worked well wherever it had been carried into effect. He had never heard an objection to it, or that it had led to any thing like sectarian feeling as to who were elected Commissioners. He contended, therefore, that the principle he proposed to proceed in had been fairly tried, and had justly and truly answered. In towns in the north and south of Ireland this *5l.* constituency had been tried. The population of those places was composed of persons of various persuasions; in some, one class preponderated, and in others a different denomination was superior, and in many towns the two classes were nearly equal, but he had never heard any complaint. He had never heard that the richer class was opposed by the poorer voters but that wherever it had been fairly and duly applied it had worked extremely well. This then, was the principle on which he proceeded, and in this respect the measure he offered to the House differed from the English Bill. There were some other differences also between the Bills, which it would be his duty to mention to the House, but this was the principal and most important difference between the measures for the two countries. At the same time he wished to observe, that he had followed as nearly as possible, consistently with the peculiar circumstances of Ireland, the provisions of the English Bill. It was well known that there were no overseers of parishes in Ireland, and, therefore, he proposed that the churchwardens of parishes should make out the list of voters the first year; after which time he proposed that this should be done by the town-clerk, or by the aldermen of wards, where there were wards in a town; and that the lists of voters should be revised by the Mayor. He did not ask for any revising barristers, for he thought that the mayor might be sufficiently checked and controlled by the provisions of the Bill. In England they had not a description of courts of justice which existed in Ireland, he meant the Courts of Assistant Barristers. He proposed, that when the mayor of any town or borough should wilfully and corruptly exclude any person from the burgess-roll who was entitled to have his name on it, or should place the name of any person in the list of voters who might not be qualified, that he should be subject to a penalty not exceeding 10*l.* to be recovered before the Assistant Barristers, and this without any costs to the person prosecuting. No man could complain that a public officer was subject to punishment—not for an error of judgment or a mistake—but for the wilful and corrupt exercise of power intrusted to him for the general good. The sum to be recovered was certainly not too high, nor did he believe that it was too low. Of course he meant that 10*l.* should be recovered in each individual case. It was the impression of his mind that a person in office anxious to exercise his power corruptly, would be the more deterred in doing so by the instant recovery of penalties before the Assistant Barristers, than by the fear of the shame of exposure before the superior courts or the Revising Barrister. There would be no difficulty in getting sufficient evidence to convict. If they could prove corruption in the exercise of power in superior cases, surely they could in the Courts of the Assistant Barristers. [An *hon. Member*: "How can you prove a corrupt motive?"] How could he prove a corrupt motive? Precisely as in the case of other offences. How could it be proved in a variety of cases, if not here? If he showed the case of a man applying for enrolment, being at the same time properly qualified, and if the mayor could give no satisfactory account why he refused to enrol the applicant, it would not be difficult to infer an improper and a corrupt motive. There was no difficulty in the case, all he craved was liberty to try the experiment, and he begged that a shield might not be thrown between offending parties and punishment, from an affectation that this was not a proper proceeding, or a sufficient mode of punishment. He would not now trouble the House by going through those details of the Bill which were nearly similar to the provisions of the English Bill. It was right, however, to state that it was proposed that the Mayors and the Town Council should be elected in the same way as they would be in England; there would be some difference with respect to the period of election. It was thought proper that in Ireland the Mayor should not be elected immediately after the appointment of the

Town Council, but at a different period of the year, and after such a lapse of time, subsequent to the election of the Town Council, as the House might think proper to determine. He conceived that this arrangement would get rid of a difficulty which might attach to the nomination of the Mayor immediately after the election of the Councillors. Supposing that in any borough there were two men, exceedingly fit to be Town Councillors, and that it was desired to appoint one or other of them the Mayor; in this case the friend of one party might endeavour to exclude the other from the town Council, in order to prevent him from becoming a candidate for the office of Mayor. It was for this reason that the election of the Mayors and Town Councillors was fixed at different periods. It was also proposed that towns containing more than 12,000 inhabitants should be divided into two wards; if above 18,000 inhabitants four wards; and that all towns containing more than 24,000 inhabitants should be divided into as many wards as the Lord-lieutenant shall think fit, provided that the number of Councillors in each ward shall be six or upwards. With respect to the Sheriffs of Counties, of Cities, and Towns, he proposed that the Councils of those places should elect them. There was, however, one objection to this, namely, the Sheriff of Londonderry. There was a peculiarity in that case, for Londonderry was not a city or county in itself, but was united to the county, and called the City and County of Londonderry; and there was one Sheriff for both City and County. Now it was provided, that henceforth the Sheriffs of Londonderry should be nominated by the Crown like the other Sheriffs, and that the Corporation should have nothing to do with their appointment. It was also proposed that the Town Councils should be not merely invested with the powers of such boards as should transfer their powers to them, but should also be empowered to visit and examine the account of every Board levying and administering Taxes within Boroughs. His right hon. Friend opposite knew that there existed a great many Boards administering immense sums of money, which were levied within towns and boroughs in Ireland, whose accounts were not to be got at except on this side of the water. The control which the inhabitants at large had over them was next to nothing. In Dublin there existed one Board, which, however, would not be included in the provisions of the present Bill, administering a revenue of 34,000*l.* Another important difference between the present Bill and the English one was, that it would comprehend within its operation the capital city of the country. Its provisions embraced Dublin, and also several other towns which stood in a peculiar situation. The town of Newry, for instance, which returned a Member to Parliament, and had done so from time immemorial, was a rich, populous, and flourishing city, and yet in that place there was no Chief Magistrate and no fixed returning Officer. The person who discharged the functions of returning Officer was the seneschal of the manor, appointed by an Englishman. With respect to several other places—for instance Mallow, Dungarvan, Downpatrick, and Lisburn, it was important that those towns should, on account of their wealth and population, have the advantage of municipal institutions. It was also intended that in all other boroughs the names of a certain number of persons should be selected by the Council and sent to the Lord-lieutenant, and from this list the Justices of the Peace for the town or borough should be selected. At the same time, however, the Crown should have the power of naming as many other Magistrates as it might deem right or fitting for any town or borough. He proposed that his Majesty should have this right of nominating Magistrates in their places when necessary, because, in Ireland party feeling was often very strong, and might prevail in the choice of Magistrates. Thus, the Justices of the Peace might be named by one party, and their conduct might be influenced towards those who had taken a part against them! This might be the case as well with one party as the other—whichever might be strongest in the place. He also proposed, that there should be a power in the Bill, by which it was enacted that nothing in the Bill should affect the rights of existing freemen. There was another proviso respecting the property belonging to a borough which would affect many places, and among others Cashel. He, perhaps, should best make himself understood by reading the Clause:—" Whereas, many of the said Municipal Corporations in Ireland have been and now are seized and possessed of divers lands, tenements, and hereditaments, and the same have been granted to them, and ought to be vested in them for the public good, and benefit of the said boroughs respectively; and it is expedient to make further provision than now by law exists for preventing the abuse, usurpation, waste, and misapplication of such property, and to secure the preservation and due and faithful application of all such property, and of all other property which may hereafter be so given, or granted to, or acquired by, Municipal Corporations, for municipal purposes; be it enacted, that in any case of abuse, usurpation, waste, or misapplication of any such property, or of any breach of trust in respect thereof, or wherever the direction, decree, or order of a Court of Equity shall be deemed necessary for the due administration and application of any such property, it shall be lawful for his Majesty's Attorney-General for Ireland, or for any two or more burgesses of the borough, to present a petition to the Court of Chancery or to the Court of Exchequer in Ireland, stating such complaint, and praying such relief as the nature of the case may require; and it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, or the Master of the Rolls for the time being, and for the Court of Exchequer, and they are hereby required to hear such petition in a summary way, and upon such other evidence as shall be produced upon such hearing to determine the same, and to give such relief and make such order therein, with respect to the costs of such application, and to enforce the same by injunction or otherwise, as to him or them shall seem just, and such order shall be final and conclusive, unless the party or parties who shall think himself or themselves aggrieved thereby, shall, within two years from the time when such order shall have been passed and entered by the proper officer, have preferred an appeal from such decision to the House of Lords, to whom (it is hereby declared and enacted) an appeal shall lie from such order." This provision, he was satisfied would be found to be extremely useful in Ireland, consideringthe state of things that prevailed there. In many places the means of the people were so small that it would be impossible for them to enter into a contest with a municipal corporation. There was also a precedent for what he proposed in an Act that passed in 1813, and which had been found to work extremely well. The great object was to shorten as much as possible litigation, and to lessen the expense of it; on this ground he proposed that the burgesses of a borough should be allowed to proceed by petition instead of filing a Bill. This was in point of fact doing nothing more than restoring the old system which existed in the Court of Chancery. There was also provision made for the regulation of the local Courts for the recovery of debts—arrangements were made and pointed out in various clauses by which debts might be recovered. Debts not exceeding 20*l.* might be recovered in the Court of Record of the town or borough by the old course of common law, and such actions shall not be removeable by *certiorari* or other process save writ of error after judgment. This process was very simple, and the proceedings before the tribunal would be readily conducted, and the operation of these courts be rendered most beneficial. Again it was proposed to regulate the Courts of Conscience for the recovery of small debts, or Courts of Requests, as they were called in this country. They now existed in several parts of Ireland, and were found to be very useful, and where they did not now exist, it was intended to establish them. There were four clauses regulating the mode of proceeding in those Courts, but it was unnecessary for him then to explain the details. There were several matters not alluded to in this Bill which were to be found in that relating to the English Corporations; but this arose in consequence of the state of circumstances in England differing from those in Ireland. Such was the general outline of the provisions of the measure which he hoped to be able to lay on the Table. He believed these provisions, if fairly carried into effect, would enable them to establish a fair and adequate municipal government in those towns and boroughs where it was most wanted. The Bill provided for the local government of those places. Due provision was made for the establishment of a new police force, and, at the same time, for the resident magistracy. With the exception of Londonderry, there were few towns where there were resident Magistrates connected with the Corporation. Generally speaking, the magistrates and Aldermen of a Corporate town in Ireland did not now reside within the boundary of the borough. But by this Bill, the constant residence of a good magistracy would be provided for. Such were the details and objects of the Bill which he had to propose, which if fairly carried into effect, he had no doubt would prove eminently successful. He concluded with moving for leave to bring in a Bill to regulate Municipal Corporations in Ireland.

Mr. *Shaw* would offer no opposition to the mere introduction of the Measure, nor would he then discuss its merits; but he must protest against the notion of the Bill being passed in the present Session. He was persuaded that the Government themselves were not serious in pressing it, and would only remind the noble Lord (John Russell), the Secretary of State for the Home Department, that when he assumed the leadership of the House on the part of the present Administration, the noble Lord had announced that the Government meant to propose only two great measures—the Reform of the Municipal Corporations in England and Wales, and the Bill for the regulation of the Irish Church — the noble Lord at the same time stating, as his reason for postponing many important measures, such as the Dissenters' marriages, and the Ecclesiastical Courts' Bill, that it would be impossible to give fair discussion, and do justice to more than the two principal measures to which he had alluded at the then advanced period of the Session. And yet, were they now to be told that a Bill, contemplating such great changes, involving the deep interests and the many important consequences of the measure just proposed by his right hon. and learned Friend, the Attorney-General for Ireland, (Mr. Perrin) could be dispassionately and patiently considered, it being then within a few hours of the 1st of August, and the most natural part of the evidence on which the measure was to be founded not being yet printed. [ Mr. *Perrin* it will be printed next week. ] That was towards the middle of the month of August, Members were to get into their hands, for the first time, a copy of the Bill, and two or three immense volumes of evidence, in order to prepare themselves for the discussion during the present Session (and look even at that moment at the deserted state of the benches on a measure one of the most important and momentous, as regarded the future peace and well-being of Ireland, that had ever been brought before that House. He did not deny that there were some abuses and defects in the present system of Corporations, which he should wish to remove, and that in these, as in all other human institutions, the lapse of time, and altered circumstances, called for safe and salutary changes. To such, he for one would not object—and when the proper time and opportunity arrived, he should be found willing to enter upon a fair and unprejudiced consideration of the entire subject. Meantime, however, he would guard himself from the least admission that there was any parallel between the cases of England and Ireland. His right hon. Friend (Mr. Perrin) asked, would you continue abuses, for fear of giving increased power to the agitator? He was not for the continuance of abuses —wherever they were proved, let them be remedied: but he did say, that every care should be taken not to increase the power of agitation. His right hon. Friend had carefully avoided all allusion to that which on the present subject, should never be forgotten—that the origin and principal use of the Irish Corporations was to secure British connexion, and to encourage the Protestant religion in that country; and while he would never set his face against real improvement, come from what quarter it might, he certainly would not be a consenting party to place the Municipal authorities and local jurisdiction throughout Ireland in the hands of those whose avowed object was to subvert the Established Church in that country, and whose scarcely concealed motive was to separate its interests from Great Britain. He (Mr. Shaw) would merely glance at the details of the measure opened by his right hon. Friend, and in doing so he could not avoid expressing his regret that his right hon. Friend should have fixed upon the borough of Cashel to set forth as a sample of all the other Irish Corporations; biassed as the mind of his right hon. Friend must naturally be with reference to a city where, during all the excitement and feeling of contested elections, he had been opposed by what he calls the Corporate interest—and might, therefore, view through rather an exaggerated medium, not only the defects of that Corporation, but of all others of which he judges by comparison with it. His right hon. Friend did not appear to form any very high expectation of the class of persons from which his new mayors were to be selected, if he considered that a penalty of 10*l.*, as a maximum, to be sued for in a Local Court, in case of wilful and corrupt misconduct, would be a necessary and sufficient control over them. He would have no great objection if it were proposed in all cases, as in some mentioned by his right hon. Friend, to vest the appointment of Sheriffs in the Crown. With respect to licensing publicans, he was satisfied that the Sessions Courts would rejoice to get rid of so disagreeable and unsatisfactory a duty; but he doubted much if the interests of morality and the public peace would be served by the transfer of such a power to the new Common Councilmen, and he feared that in its exercise it was very likely to be influenced by party and private consideration. He had, however, said that he would not then discuss either the principles or details of the measure, but sincerely declaring that on the proper occasion he would not object to such changes as could operate real improvement. He must again appeal to the candour of the noble Lord (Lord J. Russell), whether it was just or reasonable to attempt to force on the discussion of a measure of that vast importance at the present period of the Session. He was satisfied that the noble Lord had not the least intention to do so when he announced the other two Government measures alone, as likely to occupy the whole time and attention of the House. He was quite sure that if the noble Lord did persist, it was not of his own free judgment, but under the constraint of a power which the noble Lord could not venture to control.

Lord *John Russell,* as he had been so pointedly appealed to by the right hon. Gentleman, felt bound to make a few observations. If this Bill rested altogether on a new principle, there would be some ground for listening to the recommendation that it should be postponed, but this was not the case. They had discussed the principles, and it had been resolved that there should be Reform in these Municipal Corporations, and in conformity with this his hon. and learned Friend had come down with the proposition he had then made to carry the principle into effect. All the great principles involved in the measure then proposed to be introduced, had been amply discussed and decided on in as full Houses as were ever assembled for the consideration of any measure—he alluded to the proceedings that had taken place in the English Bill. He would ask, then, were the circumstances of England and Ireland so different that the principle applicable in the one case had no force in the other? If this were contended, he, for one, could not agree to such a proposition. He trusted, however, that the state of the House would be such on the discussions on this Bill, although it was such a late period of the Session, as to enable them to go on with it to a satisfactory conclusion. To any proposition which went to the extent that the great principle of the English measure should not be applied in a measure for the Reform of the Irish Municipal Corporations, he would give his unequivocal and decided negative. He thought that the House could not, consistently with justice, say that what was good for England, and applicable here, was not so as regarded Ireland, but that self-elected Corporations and irresponsible power in Ireland was good and should be continued. He trusted that his hon. and learned Friend would not only introduce the Bill, but that there would be ample time during the present Session fully to discuss it, and that it would become the law. He trusted that the English Corporation Bill would survive the very heavy fire which it had been exposed to for a few nights elsewhere, and it would ere long receive the sanction of the Legislature unimpaired. Whether this Bill were or were not to sustain a similar fire from some Irish lawyers he knew not. This, however, he would say, that as he had no doubt the English Bill would survive the attacks he had alluded to, so likewise the Irish Bill, would be triumphant over any assaults of the same nature.

Mr. *O'Connell,* Sir, I am exceedingly glad that the right hon. Gentleman, the learned Recorder of Dublin, has no objection either to the principle or to the material details of this Bill. For if he had any objection he would, I am sure, have felt it his duty to urge them upon the House. It seems to me, Sir, as if he were influenced by his judicial recollections, remembering that when a criminal is convicted his only resource is to cry out for a long day—"Oh," says the right hon. Gentleman, "is it in the month of August you think of bringing in a Bill for the Reform of Municipal Corporations? Do let them live a little longer; let them flourish for another season of cold weather." — Oh, no, Sir, this prayer for a long day must not be granted. The days of the corrupt Corporations are numbered. It is time that the Municipal Institutions should be identified with the interests of the people of Ireland, and that an end should be put to the anomaly by which the affairs of 920,000 people are administered by 13,000. But it appears that everything in Ireland must in one shape or other, assume the colour of Protestantism, and every abuse must be maintained for the protection of what is termed "Protestantism." No relief is to be granted if it interferes with the monopoly that has so long existed under that title. What a way this is to recommend Protestantism to the people of Ireland! And so the Corporations were instituted for "the protection of Protestantism!" So says the right hon. Gentleman opposite. Why, Sir, except the smaller boroughs instituted by James 1st, these Corporations are "relics of Popery." Some of them, in the large towns, existed before the Reformation, and some of them before the time of Henry 2nd. The Corporation of Limerick, for instance, existed before any British power in Ireland. The Corporations of Cork and Waterford so existed, and in the latter the free Danes held it before the reign of Henry 2nd. So far for the right hon. Gentleman's historical knowledge of the foundations of Corporations. Oh, but he tells us they were instituted for the "protection of British connexion." And what, may I ask the right hon. Gentleman, was the British connexion to be protected before the time of Henry 2nd. Oh, but I like the way in which the right hon. Gentleman would preserve this connexion. He would shut out 900,000 persons from the management of their own municipal affairs, and confer it upon 13,000. And this is the way he proposed to protect British connexion! Why, if they were Janisaries—as they are not—they could not effect this. The only means of effecting it is by allowing the Irish people to share the advantages of the British Institutions, and this it is proposed to do under the present Bill. But the right hon. Gentleman's plan of preserving British connexion embraces what he does not dare openly to declare, and that is, that their loyalty shall exist so long as the faction is supported; that their love of British connexion is a solid and substantial love of their own power and domination in a country over which they have so long ruled with a most desolating despotism. This is "the protection of British connexion," which you feel cannot be preserved under this Bill, which my hon. and learned Friend has introduced to night, in as clear, as distinct, as lucid and as powerful a statement as ever was made within the walls of this House— a statement which, though upon a subject of great excitement, did not contain one particle that was calculated to give rise to the slightest feeling of exasperation;—a statement upon a subject which involved great and complicated interests, and in which a determination is manifested to give protection and justice to all. But the Recorder imagines that we shall not be able to obtain respectable Mayors under the new system. Now, Sir, I should be glad to know how this was managed under the old? We had always wealthy and respectable Mayors. In the city of Dublin, for instance, the entire Board of Aldermen, from whom the Lord Mayor is elected, is composed of wealthy and respectable men. No doubt there are some highly respectable men amongst them, some highly respectable Baronets — but are there not some hotel-keepers. Some exceedingly wealthy Aldermen no doubt. Some who never—oh never —went through the Bankrupt Court. And yet it is objected to the new system that we cannot have respectable Mayors under it. The proposed penalty of 10*l.* to which my hon. and learned Friend adverted, is too small, thinks the Recorder. Why, Sir, does he not know that a small penalty easily recoverable is much more efficacious in effecting its object than a large one, which can only be levied after much toil and difficulty? Does he not know that a Jury is almost always unwilling to mulct in a large sum; that even in opposition to the dictates of their own conscience they will strain their oaths from an unwillingness to inflict a penalty disproportioned to the offence? I regard its simplicity as one of the great recommendations of this part of the Bill, and as the best security for its efficiency. But it is said "You will not be able to prove the offence." I say, Sir, in reply, that if you cannot prove, the only reason is, that there is no cause of complaint. Let me suppose the case of a Catholic Mayor in Ireland refusing to admit a Protestant, and admitting a Catholic upon the same qualification. Would not the very fact of his refusing the one and admitting the other be a proof of his guilt? The inference of corruption is clear and irresistible. And so it will be *vice versa*, if a case of similar corruption be made out on the other side. Now, if the Clause be not sufficient to satisfy the Recorder, I would suggest to him that when the Bill comes into Committee he should amend it by giving a special action on the case. This alteration would easily remove the right hon. Gentleman's objection, and it is an Amendment which I am sure will not be objected to by my hon. and learned Friend. For the first time it is proposed to identify the people of Ireland with the British Constitution. They have never yet been identified with it. I have heard the details of that Bill—simple and efficacious as they are — with infinite pleasure and delight, and I have no hesitation in saying, that it will give unequivocal satisfaction to every rational man in Ireland. The object of Corporations is, to identify the people with municipal franchises and powers. Has that been done in Ireland? I do not like, Sir, to write the epitaph of these almost departed institutions; but for the purpose of showing the effect of having the Corporations open, the House will allow me to refer to the case of Tuam, in the Corporation of which there is but one Protestant. [The hon. and learned Member read an extract from the report, from which it appeared, that there was in the Corporation of Tuam but one Protestant, and yet, the Report went on to say, there prevailed in Tuam the utmost religious harmony—there was no animosity or angry feelings.] The hon. and learned Member then continued —" So much for Tuam—the only Corporation in Ireland identified with the people. There you had no religious feuds or animosity, and I do hope, Sir, that this blessed effect will be, before long, experienced in every other Corporation in Ireland. I confess, Sir, I do not like to turn to the representation of the present state of Corporations. But it appears that there are privileges generally attached to these Corporate rights. Well, what is the fact? Why, Sir, the Commissioners have actually reported that even in Corporations where these privileges do not exist, Roman Catholics are excluded. Take Charleville, for instance. There ninety-nine out of the 100 are Catholics—the privilege is of very little value, and yet there is not a single instance of a Catholic having been as yet admitted. I observe, Sir, that the Recorder appears to chuckle over the fact that the Report of the Dublin Corporation had not been as yet laid upon the Table. Why, Sir, the fact of it is, there are so many abuses to be examined into in Dublin, that it was found impossible in so short a time to get all the information required together. But has no evidence been taken? Has no evidence been given before the Commission over which you, Sir, presided. Has the right hon. Gentleman never heard of the 14th report of the Committee of Judicial Inquiry? He is the Recorder of Dublin—the legal adviser of the Corporation, and he has no doubt read that report. I ask him then to lay his finger on one single statement of an abuse, and deny that it is inconsistent with facts. Will he say that a single unwarrantable representation is made? No, Sir, he will not, because he knows, that facts would not bear him out. We had, therefore, this report founded upon the evidence given before the Commission. Why, then, I ask should we not legislate for Ireland? Why, shall you not do this good to my country? Oh! but I suppose elsewhere an attempt will be made to raise a religious cry, an effort will be made to save these abuses by throwing over them the shield of the most sacred of all institutions. Oh, Sir, it is time that this should cease. This is not a question of Church or of Religion, and if you mingle up religion with it, you mingle it with the frauds and the oppressions and the sad instances of bigotry that had blotted these institutions from 1792 to the present period. Yes—from 1792 to the present day—for forty-three long years—Roman Catholics were admissible to Corporations, and during those forty-three years not one single Roman Catholic was ever admitted. This is a fact—a monstrous and glaring fact. Surely there were amongst them all some men of talent, of large fortunes, exemplary in their lives, loyal in their duties of allegiance, tranquil in their dispositions, virtuous in their social relations; but no, not one of them was ever admitted into a Corporation. I put it to any one amongst you, English Members of this House, is a system, by which, in one Corporation 200,000 Roman Catholics are excluded, while the franchise is exclusively enjoyed by about 100 Protestants of the lower class—is that, I appeal to you—is that a system to be tolerated?—is it a system you are prepared to maintain? It may be a system grateful to some Orange leader or other—who, with sanctity upon his lips, delights in enjoying the power of domination over his fellow-creatures. I hail this Bill, Sir, as the earnest of better days for Ireland. It is the commencement of the reign of Justice. Ireland has never had full justice done to her. We were not admitted as King's subjects until 1608. In 1607, it was no offence to kill an Irishman. It was pleaded in 1607 as a justification that the murdered man was an Irishman. I shall come to the question. There remains this corporate monopoly, and it is the only thing remaining that prevents justice being done to the people. This, and this alone, shuts the inhabitants out from a participation in the advantages of British institutions; and upon this question the Government are prepared to give the people of Ireland redress. This Bill cannot fail to pass this House. It is just. It is agreeable to the dictates of sound policy, and it is kindly to the people of Ireland. And is there any where else where the rights of the people of Ireland are to be stayed for the purpose of listening to some contemptible buffoonery, misrepresentations, and calling nicknames? Is this measure to be impeded by this botherall trash—this idle ribaldry? Talk, indeed, of the rank of station. Why, I ask you, is there any Trades' Union in the country that would for five hours tolerate such absurdities. Or do they imagine that society is now in that state that men will suffer an important measure to be so interrupted—that they will endure this torrent of vituperation and buffoonery that has been poured out on this measure. Oh, Sir, I do not fear for this Bill. It will be carried here by a triumphant majority, and even if now rejected elsewhere, it will be only to make its final success the more secure; for no matter what its present fate, it will be ultimately carried by the united voices of the people of England and Ireland safely to its destination.

Mr. *Goulburn* approved of the manner in which the hon. and learned Member had brought forward this present Motion. And its moderation was the more remarkable when compared with the speech of the hon. and learned Member who had just sat down—a speech which was eminently calculated to revive all those animosities which would be much better buried in oblivion—a speech, oo, containing most unjustifiable attacks against particular individuals. They came, too, with a peculiarly bad grace from the hon. and learned Member; for if there was one Member in that House who more than another should shrink from the utterance of these irresponsible attacks, it was that hon. and learned Member. But he should not suffer himself to be betrayed into an imitation of the course adopted by the hon. and learned Member, though he could not refrain from observing the strong contrast which it exhibited to the speech of the hon. and learned Member (the Attorney-General.) He came down to the House to listen to the statement of the hon. and learned Gentleman, and not to take a part in the discussion, for he confessed it without shame that he had not as yet read the Report which had been so recently put into the hands of hon. Members. It was a measure which should be discussed, not in reference to what had been urged by the hon. and learned Member who had just sat down, but with reference to interests to which he feared it would be utterly impossible at this late period of the Session to do anything like justice. He protested against the Bill being proceeded with at so late a period. He should, for the present, content himself with this observation, and decline going into any of the details submitted to the House by the hon. and learned gentleman the Attorney-General for Ireland.

Mr. *William Roche* said, that as a representative for one of the principal cities in Ireland, that of Limerick, to which the right hon. and learned Mover and his hon. and learned Friend, the Member for Dublin both adverted, and a city which, as his learned Friend remarked, did assuredly possess a charter of incorporation long before the æra of the Reformation; a city likewise, than, which few in the United Kingdom had more reason to complain, because few were more aggrieved by the bad conformation of municipal institutions (bad at least in modern times) and the consequent mal-administration and corruption which pervaded and deformed them, he protested against any delay in granting to Ireland the same simultaneous measure of justice and protection which (so far as lay in the power of that House) they had given to England. That to postpone it to both countries would be a great, yet as a joint grievance, would be the less irreconcileable to Ireland, but that to grant it to England and postpone it to Ireland must be felt and considered an intolerable aggravation and disappointment. That so exceedingly important, so inestimably valuable, did he deem this measure, that if his Majesty's Ministers had effected nothing more towards promoting the protection, the satisfaction, and contentment of the people; by this alone would they (to use an ancient phrase) "deserve well of their country," and entitle themselves to its warmest gratitude and confidence. That this measure alone did also well requite that House for the exertions, the happily successful exertions it made to reinstate the present ministry in power, and displace those who, if they condescended to make any improvement in municipal institutions, would assuredly dole out but a slender and miserable modicum of it. He proceeded to observe, that the higher or wealthier classes may pride and console themselves in our national glory, our splendid institutions, and the wisdom and dignity of our superior tribunals; but that these very remotely and feebly reach the great mass of the people, and that to millions of the community they would appear but visionary vanities compared with, or divested of the (to the mass of the people) inestimable advantages of good local government, both criminal and civil, so intimately connected as it is with the protection of their persons and property every day and every hour of the day. That he therefore considered this measure as more peculiarly the poor man's charter—the poor man's branch of the Constitution, but that it was not the less interesting to the higher classes, for to whom could it be uninteresting, that an honest and sound administration of affairs, both criminal and civil, should prevail where and around where one resides, and the consequent peace, good order, and prosperity, that must ensue therefrom. That to all classes, therefore, Municipal Reform must be most essential and gratifying, unless indeed to those who profited by corruption and spoliation, who fed and fattened on abuses and oppression. Every one, he added, acknowledged that Reform in the representation of the people was but the foundation upon which to raise the superstructure of further improvements, and that of that superstructure, no part was more necessary or more valuable than improvement in local laws and local protection. Followed up, it should therefore be in favor of Ireland as well as of England, and with the same promptitude and firmness, otherwise the people of Ireland would justly complain that a very different share of respect and regard was entertained towards her feelings and interests compared with those of England. That the measure should accordingly have his sincere support, and the promoters of it his sincere thanks.

Mr. *Lefroy* said, that the effect which was likely to be produced from such a measure as that proposed to be introduced, might be gathered from the hope expressed by the hon. and learned Member for Dublin, that all the corporations in Ireland would soon be in the same situation as that of Tuam, which he described as being composed almost exclusively of Roman Catholics.

Mr. *O'Connell:* I said nothing of the kind, and the hon. Member knows I did not.

Mr. *Shaw:* I rise to order. My right hon. Friend has made an observation, whether right or wrong I care not—but the hon. and learned Member has accused him of stating a fact which he knows is not true. I appeal to you, Sir, whether such conduct was not disorderly, and I would ask the House whether we really have not had enough of these scenes?

Mr. *O'Connell:* I withdraw it.

Mr. *Lefroy* said, that he had too much experience in that House, particularly within the last year or two, to be surprised at any statement which fell from him being met by the hon. Member for Dublin in the way, both as to manner and matter, in which his observation had just now been met by the hon. and learned Member. The hon. and learned Member stated, the Corporation of Tuam was, with the exception of one member, composed exclusively of Roman Catholics, and unless his ears had grossly deceived him, he also said, that he hoped the other corporations in Ireland would soon be similarly circumstanced. As, however, the hon. and learned Member denied that he had said so, he (Mr. Lefroy) would not dwell upon the point. But there was one statement which the hon. Member had certainly made, and he (Mr. Lefroy) was never more surprised in his life than when he heard it, namely—that the Corporation of Limerick was anterior to the Establishment of the English power in Ireland. He was at a loss to know from what King the Corporation obtained its charter. There had been suits in Ireland, which led to an investigation into the antiquity of the Corporation of Limerick; but he never before heard that it was established at a period anterior to the British Dominion in Ireland. Upon the present occasion, he would touch but briefly upon the general question; but he could not refrain from remarking, that the corporations in Ireland which it was now proposed to destroy, had fully answered the objects for which they were established. They had proved eminently conducive to the maintenance of the connexion between England and Ireland, to the progress of civilization, and to the support of the Protestant religion, which was not yet abolished, although political distinctions on account of it were. It was said, that the Bill about to be brought in ought to be adopted with respect to Ireland, because a similar measure had been passed for England; but he implored the House to recollect that the circumstances of the two countries were widely different. At all events, the period of the Session at which the measure was introduced was an insuperable objection to proceeding with it. He appealed to the candour of the hon. and learned Attorney-General for Ireland, whether it was fair to proceed with the Bill, before the House had an opportunity of reading the evidence on which it was represented to be founded. The right hon. Gentleman concluded by expressing his belief that, if the Bill should be adopted by the Legislature, the connexion between the two countries would soon be severed.

Mr. *O'Connell* begged to explain, that the right hon. Member had given a meaning to what he had said totally different from that which he intended to convey. He described the Corporation of Tuam, and said, that perfect harmony prevailed amongst the inhabitants of the town of different religious persuasions; and then, he offered the wish which was so offensive to the right hon. Member—namely, that every Corporation in Ireland might soon be like that of Tuam as to that harmony. He knew that that was not the right hon. Gentleman's wish. The right hon. Gentleman wished for ascendancy, he wished for equality, and it was gaining ground every day. The right hon. Gentleman had also mistook what he said about the existence of Corporations in Ireland at a remote period. In the time of John, it was stated that Limerick had been a Corporation from time immemorial.

Colonel *Perceval* rose to order. The hon. and learned Gentleman, instead of confining himself to explanation, was making a second speech.

Mr. *O'Connell* said, he could excuse the interruption of the hon. Member, because he was aware that he could not comprehend what he was saying, [*Cries of "Speaker," "Chair," and "Order."*] He had a right to show that he had not said what the right hon. Member had attributed to him. The right hon. Gentleman had insinuated, because he was ignorant, that a fact had no existence. He admitted the right hon. Gentleman's ignorance at once.

Mr. *Randall Plunkett* said, it was impossible to discuss the question properly, because members were destitute of the means of preparation, unless, perhaps, the hon. and learned Gentleman had communicated the information which he possessed to a favoured few. It was not fair to bring forward a measure which was calculated to make an important change, not only in the circumstances of Ireland, but of the whole empire, at the present period of the Session.

Mr. *Perrin* said, that the imputation which the hon. Member had cast upon him of communicating information partially to favoured Members of that House, was utterly without foundation. He was incapable of such conduct.

Mr. *Ruthven* trusted, that the people of Ireland would obtain equal justice with the people of England.

Mr. *Henry Grattan* said, that the House was in possession of sufficient evidence to prove that the Corporations in Ireland were corrupt bodies. He was happy to find from the declaration which had been made by the noble Member for Stroud, that the Bill would pass through the House this Session.

Colonel *Perceval* protested against a measure of such vital importance being proceeded with at a time when the House was exhausted, and most members had left town, and would not return again, unless there should be a call of the House. He must say, that he had fallen into a similar error (if error it were) as that into which his right hon. Friend (Mr. Lefroy) had been accused of having been led into, as to the observations of the hon. and learned Member for Dublin, in reference to the Tuam Corporation. He had understood the hon. and learned Gentleman to state boastingly, that in the Tuam Corporation there was thirty-seven Roman Catholics and only one Protestant, and the hon. and learned Gentleman went on to say, that there was no religious discord amongst the corporators. Was it to be wondered at where there was such an overwhelming majority of Roman Catholics against a solitary Protestant? The hon. and learned Gentleman had also expressed a hope, that shortly after the passing of the present Bill all the Corporations in Ireland would be similarly circumstanced with that of Tuam. The hon. and learned Gentleman had been loud in his praises of the Bill; but in the same proportion that it gave satisfaction to the hon. and learned Gentleman, it filled him (Colonel Perceval) with dread; as sure he was that if the 5*l.* qualification was adhered to, it would throw all the Corporations in Ireland into the hands of the Roman Catholics, and, consequently, place them at the disposal of the hon. and learned Member for Dublin. He (Colonel Perceval) it appeared had also mistaken what had fallen from the noble Lord (John Russell,) shortly after the present Government had been formed. That noble Lord, as he understood him, had stated that as so much of the Session had passed away, Government would confine themselves to passing the two great measures, of Corporate Reform for England,

and the settlement of the Irish Tithe Bill; and, further, the noble Lord had stated, that owing to the press of business, he should be obliged to postpone the Dissenters' Marriage Bill, and other measures of equal importance. But, it now appeared that the hon. and learned Member for Dublin having stated, that his Majesty's Ministers must pass the Irish Corporation Bill, they were left no option but to do as they were bid. The House had just heard the hon. and learned Gentleman declare that it must pass, and of course his decision was final. He could not sit down without again expressing his regret, that in the month of August a measure of so much importance should be introduced; but, in the brief observations he had made, he had, he trusted, avoided the example set by the hon. and learned Member, who commenced by stating, that the question was not a religious one—but, as was his custom, in the course of his speech he indulged in every acrimonious and exciting religious topic which his fertile imagination could suggest, and in gross and unbecoming personalities towards individuals not then present.

Mr. *Shiel* said, that the hon. and gallant Officer was quite correct in his allusion to the absence of so many Members. It was true that the House was nearly deserted. The leader of the party to which the hon. and gallant Officer was attached was absent, and his absence was certainly significant. It showed that that right hon. individual fully felt the impossibility of resisting this proposal of Reform, exactly on the principle on which he had stated, that when a Reform of Parliament were once granted in England, it must soon follow in Ireland. Remarks had been made on the circumstance of no Report having been made on the Corporation of Dublin. No such Report was necessary—the House needed none, with this simple fact staring them in the face:—that although the Legislature had admitted Catholics to a full participation in the civil rights afforded by the Constitution, a body calling itself the Common Council of Dublin, had excluded them from that Corporation. Let there be a return called for from the Insolvent Court, and the House would then be in full possession of the ingredients of the Corporation of Dublin.

Colonel *Sibthorp* felt no doubt that on this Question, as on that of the Reform of the Corporations of England, the other House of Parliament, though often taunted as an Aristocratic body, would show the considerate feeling which they entertained for the rights of the lower classes of their countrymen; and after the most able, and he would say, unparalleled speech, lately delivered in that House by an hon. and learned Gentleman formerly, and he regretted not now, a Member of the British Parliament, he firmly believed that the good sense of that House, feeling as they did for the people, and regarding their petitions which had been spurned by the House he was addressing, would yet save the Corporations, unconvicted and uncontaminated from the designs and machinations of hon. Gentlemen opposite, and rescue from annihilation those rights and privileges of the lower classes of the people, which ought, in his opinion, to be maintained. Who, he would ask, had been more disposed to cut up the liberties of the people, than those who bore the name of Liberals—but whom he called revolutionists and levellers—men having no feeling for Church, King, State, or people, or anything which had hitherto made England a great nation.

Motion agreed to—Leave given—Bill brought in and read a first time.

PUNISHMENT OF OFFENCES, (IRELAND).] Viscount *Morpeth* rose to move for leave to bring in a Bill for the better prevention, and for the speedier punishment of, offences endangering the public peace in Ireland. He said, that the history of the Coercion Bill, of the causes from which it arose, and of the provisions which it contained, were too fresh in the recollection of the House, and of a nature too painful to be dwelt upon on the present occasion. Of course, any law of that character could only be justified by an assumed necessity; and, if his Majesty's Government believed that the ingredients of that necessity had either partially disappeared, or been considerably modified, it would naturally follow that, in their opinion, the law itself—if the state of affairs did not permit them entirely to dispense with it—ought, at least, to be freed of every harsh feature which could be spared, and to be limited to the still remaining exigency. It was by such a feeling that his Majesty's Government had been actuated in bringing forward the measure which he was about to submit to the notice of the House. They were glad to think that the state of Ireland was so far improved, and was so far improving as to relieve them from the necessity of proposing a continuance of the Act, commonly called the Coercion Act, while at the same time they could not flatter themselves that it was yet such as to give cause for dispensing with the propriety of retaining some safeguard beyond the ordinary reach of the law and the constitution, for the sole object of affording protection to the peaceable, unoffending, and helpless part of the community. With respect to the present state of Ireland, as regarded the commission of outrage and the maintenance of the public peace, he certainly regretted to find, on comparing the returns which were submitted of the number of outrages, that there had not been a decrease—indeed he was sorry to be obliged to admit, that there had been some increase in the total number of outrages committed during the last year beyond the total number of those committed during the year preceding—that is to say, an increase of those reported in 1834 over those reported in 1833; and in the last three months that had elapsed in the present year over the corresponding period of the last year. But he was most happy to state, as a strong counteracting circumstance, that those offences which might be classed as partaking of a political or insurrectionary nature, had materially decreased; and also, that there had been a decrease in the number of all offences of a more serious and violent character. Indeed, a great portion of the increase might be referred to the head of common assaults—to riots committed at fairs, under the influence, he had no doubt, of a too general use of whiskey; but, at the same time he was compelled to state, that they had been frequently attended with circumstances of so violent and exaggerated a nature as to evince, on the part of those who committed them, a most lamentable recklessness as to the value of human blood. He thought that there were also reasons to believe that a large amount of the prædial and agrarian disturbances, which were to be still traced in some parts of Ireland, found its exciting cause, though certainly not its justification, in the severe state of distress and destitution which prevailed in many of those districts, and in the desperate struggle for maintaining and regaining the possession of land which had uniformly taken place there; while at the same time it would be conceded, that that distress and the contention could only be aggravated if the Government failed to take all the means of preventing its continuance which they thought to be within their power. He felt, however, that he should be giving a juster idea of the present state of Ireland if, instead of confining himself to merely mentioning whether there had been an increase or decrease in the total number of outrages committed—a species of information which, from the variety of circumstances under which their commission took place, must necessarily lead to vague and fallacious calculations—he were to read to the House, in the first place some observations of the Inspectors-general of Police, which were appended to their Monthly Reports for May and June, 1835, and which contained the result of their experience in a very short summary. The noble Lord proceeded to read the following extracts from the Reports of the Inspectors-general of the several provinces of Ireland:—

"*Observations of the Inspectors-General for the Month of May*, 1835.

"ULSTER.—The spirit of party has occasioned some disgraceful outrages on the borders of Londonderry and Antrim, and in Fermanagh. The other parts of the province are generally tranquil.

"LEINSTER.—Prædial combination continues in operation throughout the province; but its results are so far less mischievous than during the preceding months, that the class of offences is lighter, viz. four homicides (from this cause), and more common assaults. On the whole, I consider the state of the province is comparatively tranquil.

"CONNAUGHT.—I am happy to state, that there appears a decrease of crime in the province, as compared with the last month; and though there is a nominal increase, as compared with the corresponding period of the last year, there is an actual decrease as to serious crimes. The nominal increase is occasioned by common assaults, ninety-four in number. It is also gratifying to be able to inform his Excellency that outrages of an insurrectionary character have decreased, as compared with the preceding month, and also the corresponding period of last year.

"MUNSTER.—There has been a change for the better during the month of May. As the days lengthen and the term of darkness is shortened, outrages diminish in number. The peace of the country is more readily maintained than during the long nights of winter."

"*Observations of Inspectors-General for Month of June*, 1835.

"ULSTER.—*Not given.*—The Inspector-General is stated to be in London, on attendance upon a Committee of the House of Commons.

"LEINSTER.—*Not given.*—No cause assigned.

"CONNAUGHT.—I am happy to state that

this Report shows a decrease of crime, both as to number and character, as compared with my last Report and the corresponding period of last year. I regret, however, to observe, that homicides are more numerous, and this Report exhibits a sad increase of that crime. The police have in most cases secured the perpetrators, and I trust examples may be made at the approaching assizes, which may check this barbarous disregard for human life.

"MUNSTER.—The Reports afford but little ground for remark. The general state of the county at the present moment is satisfactory. In the county of Tipperary there has been a decided improvement. The number of trifling cases (common assaults and larcenies) in the City of Cork, swell the apparent amount of crime, and should, therefore, be remarked upon."

The noble Lord then said, that he would refer to the charges of the Judges of Assizes, which he was happy to find were of a more satisfactory character. They were as follow:—

"*Carlow Assizes.*—Chief Justice of King's Bench.

"He congratulated the Jury on the state of the calendar, there appearing on the face of it only one crime of an atrocious nature, and that was the murder of a poor man, which was wholly unconnected with any of those outrages which so often distract the country."

"*Drogheda Assizes*, Monday, July 13, 1835.—The Honourable Judge Moore.

"From the number of persons charged on the calendar and those out on bail, it might, at the first glance, be thought that crime had alarmingly increased in this small county. He was, however, happy to say, that there did not appear any case which could justify such a position."

"*County Fermanagh Assizes, Enniskillen.*—Baron Pennifather.

"I am glad, upon looking over the calendar, to find upon it that the crimes are neither very numerous, nor apparently of any very serious magnitude."

"*Limerick Assizes.*—Sergeant Green.

"It is with the greatest pleasure I contrast the calendar I now hold in my hand with that which was presented to me last assizes. The calendar contains the names of sixty-seven persons, a very large number certainly, but bearing a very small proportion to those who were for trial when last I had the honour of addressing you."

"*Louth Assizes.*—Honourable Justice Johnson.

"His Lordship briefly addressed the grand jury.—He said he was most happy to find that there were but forty-six criminal cases, and amongst these there were none connected with agrarian disturbances."

"*County Monaghan Assizes*, July 20.—Judge Moore.

"He regretted very much to find the calendar so enormously heavy. With the exception of high treason, every other description of crime was to be found. Murders of the most atrocious kind, scarcely to be paralleled, burnings, demanding arms, &c. He regretted to allude to party processions, the illegality of which could not be questioned, and the persons joining were acting in direct opposition to an Act of Parliament, and they were not ignorant of it he feared. It had been fully explained to them on many occasions, and they could not now plead ignorance of the law. The leniency with which they had been formerly treated had no good effect with them; they had again violated the law; and he had to observe, that in a riot arising out of one of those processions, a death had ensued. With the consequences arising out of such proceedings, the parties joining them were chargeable. The jury would take care not to find any person guilty without sufficient evidence; and if found guilty, they would learn that no person of any description should commit such an outrage against the law and constitution with impunity."

"*Queen's County Assizes.*—Chief Justice of King's Bench.

"The charge chiefly consisted of an explanation of the New Grand Jury Bill. The calendar here is much heavier than in Carlow or Kildare, there being forty-seven persons capitally indicted, twelve of whom are for murder."

"*County of Wicklow Assizes.*—The Chief Baron Joy.

"When I look at this bit of paper in my hand, I really know not what to say. It is equally a subject of surprise and gratification to me, and congratulation to you. It reflects the highest honour on your county; and I can say, that in all my experience I never before saw a county calendar at an assizes without one capital offence; or any, except one, of personal injury. I again repeat, that such an instance of the absence of crime reflects the highest honour on this county, and is a subject of very great gratification to me, and for congratulation to you."

These were all the statements which he had been able to extract from the charges of Judges at the present Assizes, and in conjunction with the Reports of the Inspectors-general, they showed—not, indeed, that there had been a decrease in the total amount of crime, but that the number of offences of a more aggravated and formidable nature which formerly prevailed in Ireland had been materially diminished; and it was to this state of things that the Government had sought to adopt the Measure which they then submitted to the House. That Measure was founded very much upon the Report of the Committee appointed in the year 1832, to examine into the state of the disturbed districts in Ireland, to which Committee the petition from Queen's County had been referred, and of which his right hon. Friend, the Paymaster of the Forces, (Sir H. Parnell,) had been Chairman. The object of the Committee was two-fold—to constitute a competent tribunal for the enforcement of the ordinary power of the law, and also for the prevention of those nocturnal outrages which at that period prevailed. In pursuance of the Report of that Committee, the Bill which he should move for leave to introduce gave a power to the Lord-lieutenant, on due cause being shown, to appoint a Special Assembly of the Court of Quarter Sessions, to which one of the King's Sergeants or King's Counsel, was to act as assessor, and which was to have the power of adjourning in any disturbed district, from time to time, and from place to place, till tranquillity should be restored, and no longer. At present the Lord-lieutenant had it in his power to issue special commissions; for in these cases the Judges went down, generally when crime had considerably accumulated, and to deliver gaols which were already too amply filled. The objection to that mode of precedence was clearly stated in the Report of the Committee to which he had alluded. "They remark, that although it is quite true that the ordinary and regular laws have been found sufficient to put down the various Whiteboy associations which have from time to time existed, it is equally true, that in every instance every association has made itself complete master of the county where it has been formed, and committed all kinds of crimes and enormities with impunity, for a considerable period before the enforcement of the powers of the law has produced a remedy; and while the practice of having recourse to a Special Commission, as the means of carrying into effect a vigorous application of the rigours of the law is the sole remedy which is had recourse to, the same result will necessarily occur, because the expense which attends the sending down of a Special Commission, and the difficulty of making out a case for it to act upon, must lead to postponing the appointment of it until a long time after an illegal conspiracy has commenced its operations. In point of fact, although the law has in general proved sufficiently strong and effectual for the ultimate suppression of Whiteboy associations, it has not been effectual in affording protection to the public against being exposed to the crimes and atrocities of those conspiracies for a considerable period previous to their being completely repressed." Now his Majesty's Government were of opinion that the Special Court of Quarter Sessions which they proposed to empower the Lord-lieutenant to call together by the Bill, in a due case of emergency being shown to have arisen, would do more towards the timely prevention of such offences than the issuing of Special Commissions. He now came to the second object—of preventing internal disturbances. The Bill proposed to empower the Court of Quarter Sessions in the representation of the Grand Jury—such Grand Jury being taken from the special list of the jurors of the county—and with the approbation of the Lord-lieutenant, to warn the inhabitants of disturbed districts to keep within their houses, and to authorise the magistrates and chief constables to visit houses and require the male inhabitants to appear when summoned. Persons not answering were to be deemed absent; but no power was given such as existed under the former Measure, to these functionaries of entering houses when they chose. Persons found absent were to be subjected to a certain punishment; and on the second occasion to be subjected to one more severe; also, persons found abroad in the night with unlawful arms in their possession, to be subjected to the punishment attached to a misdemeanour. These were the provisions which it was proposed to incorporate in the intended Bill. They were, certainly, such as trenched on the ordinary practice of the Constitution rather more than a composed state of things would warrant; but looking at the urgency of the case, he trusted that they would not be deemed going farther than was needed: above all, when it was borne in mind that it would not apply to or affect any district for any period except where and when that urgency prevailed. With respect to the period for which the Government purposed that the Act should continue in operation, he should be sorry to engraft any measure of such a description permanently on the Constitution. At the same time, he wished to remove from it any character of fluctuation, and to do away with that feeling of excitement which was created by the periodical and perpetually-recurring consideration of the subject in Parliament. He should, therefore, propose to limit its duration to the period of a very few years. In conclusion, he submitted it to the House, as a mitigation which his Majesty's Government were able to propose, under the improved state of affairs, of the former law, and as only containing whatever of severity might be found in it, with the special view of applying it to the meeting of the urgency of any case that might arise, and not of applying it under any other circumstances whatever. The noble Lord concluded by moving for leave to bring in the Bill.

Mr. *Nicholas Fitzsimon* did not rise to offer any opposition to the introduction of the Bill, or to enter into its details. He thought the former measure one of the most unjustifiable ever passed; but with the feeling of unlimited confidence which he possessed in the Government, of which the noble Lord was a member, he should be happy to join in passing a Bill which should prevent the recurrence of those disturbances which did occasionally take place in Ireland in spite of the existing law.

Colonel *Perceval* asked the noble Lord, whether certain districts in Ireland were not at that very moment under the operation of the Coercion Act? He wished also to inquire in reference to one of the statements read by the noble Lord, which alluded to an occurrence at Monaghan, whether certain parties therein implicated had not been acquitted?

Viscount *Morpeth* said, that four baronies of the Queen's County, and a part of Kilkenny, were still under the operation of the Coercion Act. As to the second question, he could give no answer having no information upon the subject of it.

Colonel *Perceval* must express his surprise that the proposed alterations and modifications of the Coercion Act should be founded by his Majesty's Government, on the extraordinary ground of there having been an increase of crime in the last year over the preceding one.

Mr. *Henry Grattan* said, it was impossible for his Majesty's Government to allow things to go on as at present in the north of Ireland, where there was not security either for life or property. [*Laughter and Cheers.*] He would ask the Gentlemen who cheered, and the hon. and gallant Officer (Colonel Perceval) among them, whether they had any connexion with the north of Ireland? He himself happened to have some connexion with it; and when he heard the hon. and gallant Officer inquiring, whether certain individuals in Monaghan had not been acquitted, he felt tempted to say with Sir Frederick Stone, that to appeal to the north of Ireland for redress for an Orange injury, was a farce. Let hon. Gentlemen look back to the transactions which had been only recently witnessed there, of Orangemen parading at night through the country, and drawing ropes across the road, and forcing all who came up to cry out before they passed, "To Hell with the Pope!" He had had for some time in his possession a petition, which he should shortly present, stating that certain Magistrates held Orange Lodges in their own houses, which were attended by clergymen. It was the duty of the Government to bring in a Bill which should affect the proceedings in the north of Ireland. Rather, indeed, than submit to the oppression which they brought with them, he would call on his tenants to arm themselves and settle the question, whether a band of ignorant insolent Orangemen should be allowed to parade through the country at night, and insult all persons who did not cry "To Hell with the Pope!"

Mr. *O'Connell* thought, that this Bill was calculated to meet an exceeding great evil, in the suppression of disturbances which at present disfigured the whole face of society in that country. What he alluded to were the agrarian disturbances, which, although they generally originated in some acts of local oppression, spread with the force and rapidity of infection, bringing within their vortex many who would willingly keep themselves aloof if they could. The Bill introduced by the noble Lord dispensed with the old system of Special Commissions, than which nothing in his opinion could be more objectionable. Those Commissions inquired into cases of outrage, of the perpetration of which, unhappily, there could be no doubt. The only doubt was as to the perpetrator; and in detecting this these tribunals were most defective. He verily believed that the Special Commissions retaliated by day the blood shed by night, and that in very many instances innocent parties suffered. The present Bill, if he had rightly understood it, directed the meeting of the Magistrates at Sessions to deal with cases of actual offences against the laws, and also authorized them to keep those persons within doors who were found out at night without being able to give a good account of themselves. Whilst it gave protection where it was wanted, the Bill took from no man the right of being tried by a Jury. Its only infringement upon public liberty was the power given, as he had already observed, to deal with persons who went out by night, having no lawful business to take them out; and if it should be effectual in suppressing this most baneful practice, it would have a most salutary operation, and produce the greatest benefit in Ireland. He felt convinced that the Bill would work well. He only wished its provisions had gone a little further, and that it had proceeded to touch those affiliated Societies which existed in Ireland and flourished in spite of the law, but which it was the bounden duty of the law to put down. These Societies were a fruitful source of crime; and although they assumed to themselves the exclusive title of loyalty, their loyalty was shown invariably, as at Belfast, in attacking the King's troops. The loyalty of these gentry was shown upon that occasion in knocking the Magistrates off their horses, and in assaulting the King's soldiers, until they were compelled to fire in their own defence. From the manner in which they were going on, he had reason to expect that the post of loyalty would soon be vacant. He wished the Bill had provided for them.

Mr. *Sharman Crawford* said, when a proposition came before the House for coercion, even in the most mitigated form, he could not avoid protesting against any measure of that nature, unless it were accompanied by other measures for bettering the condition of the people, and providing for them subsistence and employment. It was from the want of such enactments as these, from the want of some measure to protect the people from arbitrary expulsion by tyrannical landlords, that agrarian disturbances arose, and until means were taken to obviate those evils, every effort to restore peace and tranquillity to Ireland would be abortive. He trusted neither the House nor his Majesty's Ministers would delude themselves with the idea that this or any other Coercion Act would be an effective substitute for just legislation. With respect to the disturbed state of the north of Ireland, he could assure the House that it did not arise from any bad disposition on the part of the people towards each other. It was not the fault of the people—it was the fault of the promoters and stimulators of such dispositions in the higher classes of society. He referred to the seditious if not treasonable speeches of individuals of the highest rank, and holding the highest offices under the Government, who told the people that the Government (of which they themselves were the servants and officers) was determined to overturn the Protestant religion—to deprive them even of their Bibles, and to make the Roman Catholic religion the Establishment of the country. When the people are told such falsehoods as these, and Government permit it to be done by persons acting under the apparent sanction of their authority, from the nature of the appointments which they hold, it is not extraordinary that the country should be in a state of insubordination and disturbance.

Mr. *Finn* contended, that all Ireland wanted was justice, and justice demanded the Orangemen should be put down—that the police and the Magistracy should be completely purged of them. How could it be expected that the people of Ireland could have confidence in laws which were administered by Orange Magistrates? The greater part of the police were Orangemen, the greater part of the Magistracy were Orangemen, and the whole of the Yeomanry were drawn from the same polluted source. In this state of things, it was not Coercive Bills that the people of Ireland wanted, but justice. The hon. Member adverted to the case of one Patrick M'Keogh, who was convicted of an offence against the laws in the North of Ireland, and was sent by the Magistrates to the South, with an appointment in the police. Instances of this kind were frequent in Ireland. The Marquess of Anglesey had wisely observed, that the people of Ireland might be easily led by a thread, but that no force would bind them. Let that maxim be borne in mind by the present Government, and acted upon, and there would be no need of coercive measures for Ireland. He spoke strongly, because he felt so; and for his part he would conjure Gentlemen of all parties and modes of thought to lay aside all personal and distinctive feelings, and act harmoniously together for the common welfare of the country.

Motion agreed to, and leave given.

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## HOUSE OF LORDS,

*Saturday, August 1, 1835.*

MINUTES.] Petitions presented. By the Earl of HARROWBY, from Stafford and Ludlow, against the Municipal Corporations' Bill.—By the Earl of FALMOUTH, from Penryn, and by Lord GRANTLEY, from Guilford, to the same effect.—By the Duke of NEWCASTLE, from Nottingham, against the 9th and 10th Clauses of the Bill.

CORPORATION REFORM.] Counsel having been again heard, and having brought their case to a close, they were ordered to withdraw.

The Earl of *Winchilsea* said, that before their Lordships separated that evening, he was anxious to express a wish which proceeded from the bottom of his heart—that the noble Viscount at the head of his Majesty's Government would, out of regard for the honour of that House, and out of regard for his own honour and character, and those of his colleagues, between that time and Monday next, weigh well the course which he intended to pursue. Never before did their Lordships stand in the situation in which they were now placed. After the speeches which had been made at their Lordships' Bar, and which had carried conviction to the mind of every one who had heard them,—if there was a particle of honour in that House, their Lordships would act in such a way as would cause England still to be what she had been—a great and respected nation. If, after the two powerful appeals which had been made to the House, and he believed that no noble Lord could put his hand upon his heart and say, as a gentleman and a man of honour, that the speeches of the learned Counsel had not proved that the Bill before the House unjustly assailed at once the prerogative of his Sovereign, and the rights and liberties of his fellow-countrymen—if, after those appeals, their Lordships should consent to proceed with the Bill, he hoped from the bottom of his heart and soul that they would receive hereafter their merited punishment. He would scorn to belong to a body of men who would allow such a Bill to proceed further. He called upon their Lordships, in God's name, to resist it now, if they knew what was due to their own character. Let a Parliamentary Commission be issued, let full and fair evidence be collected, and then if a measure were introduced founded upon that evidence, it should receive his best consideration, and, if worthy of it, his support; but he implored their Lordships, as they valued their own character, and the tranquillity and happiness of the country (for this was but the beginning of the storm, and their Lordships could not deprive a body of their fellow-subjects of the privileges and property belonging to them without exciting feelings and letting loose principles which must produce the most disastrous consequences), not to proceed with a measure, into the proposing of which Ministers must have been inconsiderately betrayed by those whom they employed to collect evidence, which was, to use the mildest term applicable to it, degrading to its concoctors. "It is well known," continued the noble Earl, "that I am no party man. I am of no party but that of my country, and,, therefore, I hope the noble Viscount at the head of the Government will pay some deference to what I say, when I implore him to weigh well, between this and Monday, the course which he will pursue, for his decision will be of the deepest importance for good or evil to this once happy land. Oh! why should it not be happy, as it once was before all these changes were heard of? Willingly would I, at this moment, give up all I possess in the world to see England what she once was. Once more I call upon your Lordships not to entertain a measure which involves one of the most atrocious attacks on rights and property with which a deliberative assembly was ever insulted by being called upon to adopt."

Viscount *Melbourne:* I will now state the course which I intend to pursue with respect to this Bill. Two Counsel having been heard at the Bar, according to what I understood to be the wish of many of your Lordships, I now move that the further proceedings with respect to the Bill be adjourned to Monday, and on Monday I will move that the House shall resolve itself into a Committee on the Bill.

The Earl of *Winchilsea:* I give notice that on Monday I will move, and divide the House upon the Question, that an humble Address be presented to his Majesty praying that he will be pleased to lay before Parliament any further instructions which may have been given to the Corporation Commissioners than those contained in their public Report. It is important that we should know whether any instructions were given to the Commissioners besides those which meet the eye in the document before us.

The Duke of *Newcastle:* Am I correct in supposing that the noble Viscount means to allow evidence to be heard at the Bar in support of the statement of Counsel? [Lord *Melbourne:* Certainly not.] Then I have no hesitation in declaring that I conceive the conduct of the noble Viscount to be directly opposed to every constitutional principle which should guide the conduct of a Peer and a British subject. The noble Viscount is about to deprive a portion of his fellow-subjects of property and privileges which they possess as clearly as those which we ourselves enjoy. It is, indeed, astonishing that the noble Viscount and his friends, who have always talked of maintaining the rights of the people, should now propose to abrogate them by this arbitrary and revolutionary measure. The Counsel who have addressed your Lordships have nobly and honourably discharged their duty. For my part, I do not hesitate to say, that the Minister who has introduced this atrocious measure for destroying the rights and liberties of his fellow subjects deserves impeachment, and if no other person be willing to come forward to impeach him, I will do it.

Lord *Brougham:* It is an unusual course for the judge who is to try, to begin by being the party to prosecute. I do not think that such a course is consistent with the ancient principles of British justice. My noble Friend must be impeached by the Commons of England, and it will be for your Lordships to try him. When my noble Friend is put upon his trial, I will endeavour to set aside my feelings of private regard, and apply myself to the case with that strict sense of justice for which the learned Counsel at the Bar gave me credit when I sat in the Court of Chancery.

The Earl of *Falmouth:* I wish to know whether, on Monday, I may be at liberty to move that evidence be heard at the Bar? [" *Yes*"].

The Duke of *Cumberland* said, that as the discussion had exhibited somewhat of warmth, he ventured to suggest that it would be best at once to adjourn all further debate till Monday.

Lord *Brougham* wished the discussion to be adjourned, but not the House, because he wanted to make a Motion.

Lord *Lyndhurst*: Has the noble Viscount any objection to lay upon the Table the evidence taken by the Commissioners?

Viscount *Melbourne*: The Report is on the Table.

Lord *Lyndhurst:* I am aware of that. We are in possession of an aggregate Report and a variety of particular Reports, which are founded, as I understand, on evidence collected by the Commissioners. What I ask is, whether the noble Viscount is willing to have that evidence laid upon the Table?

Viscount *Melbourne*: I can't lay it upon the Table; I do not believe that it exists in such a shape that I can lay it on the Table.

Further proceedings adjourned till Monday was then agreed to.

## HOUSE OF LORDS,
### *Monday, August* 3, 1835.

MINUTES.] Petitions presented. By Lord SKELMERSDALE, from Liverpool, for a Clause in the Corporations' Bill to create the Occupiers of Warehouses Burgesses of the New Corporations.—By the Duke of NEWCASTLE, from four Places, for Protection to the Established Church.—By Earl SPENCER, from the Persons employed in the Cotton Mills at Burley, for Amending the Factories' Regulation Act.—By Lord HOWDEN, from York, in favour of the Prisoners' Defence Bill.—By the Dukes of NEWCASTLE and WELLINGTON, Marquesses HASTINGS and SALISBURY, Earls WICKLOW and HARDWICKE, Viscount STRANGFORD, Lords WHARNCLIFFE, ELLENBOROUGH, BEXLEY, LYNDHURST, and SKELMERSDALE, the Bishops of EXETER, LICHFIELD, and COVENTRY, from a Number of Places, against the Municipal Corporations' Bill—By Earl SPENCER, from Wigan, in favour of the Irish Church Bill; and by the Bishop of EXETER, from Dartmouth, against the same Bill.—By Viscount MELBOURNE, from King's Lynn, Preston, Caversham, and Northampton, in favour of the Municipal Corporations' Bill.

CORPORATION REFORM.] Lord *Ellenborough* presented a Petition from the principal rate-payers of the borough of Tewkesbury, complaining of the change which the Bill would effect on the liability of different classes of persons. The present annual income of the borough was 22*l.* 10*s.*, and the debt was 3,000*l.* and by this Bill, the petitioners stated, that the liability to the debt would be shifted on the shoulders of those who ought not to be called on to bear it. The noble Lord presented a petition from Gloucester, complaining of the Clause which related to the leasing of property by Corporations, and declaring that, if passed in its present shape, it would occasion the greatest possible injustice to the present holders of houses and landed property in that city. He regretted that the noble Baron (Lord Seagrave) was not present, as he could support the statement now made. One of the consequences of this Clause was, that many mortgages had now been called in. He wished to ask the noble Viscount whether he would consent to declare that he was willing to adopt such an alteration of the Clause as would protect property situated in the same way as that at Gloucester.

Viscount *Melbourne* had no hesitation in making such a declaration. They were aware, from communications from various quarters, that the peculiar way in which property was, in some places, leased out by or to the Corporations, rendered it necessary that some special clause, saving existing agreements, should be introduced.

Petition to lie on the Table.

The Bishop of *Exeter* presented a Petition from the Mayor and Aldermen of Dartmouth against the Bill, praying that, as respected the Church property of Corporations, the administration of it should be vested in a Committee composed of members of the Established Church, and that Dissenters should have no control over it. He was aware of the delicacy and difficulty of the point which the petitioners brought to the attention of the House, and of making upon it a provision which should be satisfactory in its nature; at the same time he felt that it was a matter of urgency, and he hoped that some clause would be presented on the subject; if not, he should certainly himself present one. The right rev. Prelate also presented a Petition from the Mayor and Aldermen of South Molton against the Bill. There was not a single charge of misconduct, in any way, brought against them by the Commissioners; but it was stated, in effect, that the result of the inquiry of the Commissioners would enable the Government to mature a measure for the purpose of giving to those who might seem best fitted for the task, the direction of the borough in a financial, judicial, and political point of view. There was a memorandum at the end of the Report, which stated that the practice of elections in the borough was to take men from among a particular class of the Corporators, and thus to exclude the men of the town, which was unjust towards the people; and it was alleged that the mode of regulating the expenditure and of keeping the accounts, was unsatisfactory; and some complaints were made of partiality in the mode of granting licences. Now he had received a letter from a Member of the Corporation, who informed him of the conduct of the Commissioner who went to the borough, and the conduct of that Commissioner was so unfortunate, that he could only say that he trusted, with regard to the other, the proverb *ex uno disce omnes* was not true; for, if so, a greater fraud upon the public was never committed. The Corporation was informed that it would be visited upon the 10th of October, and the Member accordingly gave public notice that every one might have the opportunity of attending the Court. The Commissioner who came, remained in Court about four hours. The Mayor and other Members of the Corporation attended him; he was told that all their books were open to him, and that he would be permitted to see them and to take extracts. Three persons alone made complaints before him, and they were Messrs. Manly, Moore, and Quick. The first was a saddler by trade, and a poet by profession; but so slight were the complaints that the Commissioner said he did not consider it worth while to make a note of them, and that he should not trouble the parties concerned for any explanation or reply. After this he made the memorandum which had been stated to their Lordships. The petition was moderate in its terms, and the petitioners asked not to be deprived of the advantages of the Corporation.

Petition to lie on the Table.

Viscount *Melbourne* moved the Order of the Day, and he wished to state—

The Earl of *Falmouth*: The Order of the Day should be read before the noble Viscount proceeds to make any observations.

Viscount *Melbourne* moved, that the Order of the Day be read, and he meant to state the reasons why he made the motion for moving the reading of the Order of the Day, which was, he believed, that their Lordships should form themselves into a Committee on this Bill [*"No, no!"*.]

Lord *Lyndhurst* spoke to order. He thought that the noble Viscount was mistaken in the terms of the Order of the Day.

Viscount *Melbourne* said, that it was in substance that the further debates upon this Bill should be resumed. [*"No, no!" "Order!" from all parts of the House, which was in a state of great confusion.*] The noble Viscount, as soon as he could make himself heard, said that the motion was, that the Order of the Day, whatever it was, should be read. They all knew what it was—it was for—[*Part of this sentence was lost in the confusion.*]

Lord *Lyndhurst* must again say, that the noble Viscount was mistaken. The nature of the Order might be ascertained by reference to the document itself [*cries of "Read the Order of the Day."*]

Viscount *Melbourne* again attempted to address their Lordships amidst much confusion, and after a short time was heard as follows:—After stating the reasons for the motion, I shall move that the Order of the Day be read; but, in the first instance, it is my wish to address your Lordships on the question that it be read. Amidst the political differences and dissensions with which we have been agitated for the last five years, and which I am afraid still continue to distract and divide us, of which I am not unwilling to say that I am quite sick and tired; amidst, my Lords, these political differences and dissensions, it would be a satisfaction, it would be a very great satisfaction to me, if I could anticipate that I was on the present occasion about to propose a measure on the principle of which your Lordships were all agreed; if I could believe that you all agreed that there was some evil to be remedied, some deficiency to be supplied, that the state of things required some measure to be adopted, and that the only difference between us was, what should be that measure—what should be that remedy, which was to supply an admitted deficiency, and to convert an admitted evil into an acknowledged good. I should be glad, my Lords, if I could anticipate this, and if I could rely on your agreeing on these things, as they have been agreed on in another place. When I recollect that this Bill passed the other House without a single division on its principle, I do not say without a dissentient voice, for several Members of the other House of Parliament protested against it: but when I recollect that it passed without a single division as to the principle of the Bill, and when I recollect, too, that it was admitted by Members from all parts of the empire, and by those who were of great weight and authority in that House of Parliament—and who, I hope, will have some weight with your Lordships—that the measure was one of necessity—that its principle was unanimously admitted; and when I recollect that it was universally acknowledged, that the time had come when the regulation of the abuses of Corporations must take place, and when corporate government must be adopted, which would systematically correct those abuses, and prevent the recurrence of them in future—I draw much encouragement from this circumstance, and hope that in this House, as in the other, there will be but little difference on the principle of the measure, and that the difference between us will be wholly a matter of detail. I trust, if that should be the case, that these details may be adapted so as to meet the evils they are intended to remedy. In all these great remedial measures in which we have been engaged of late years, it has been my most anxious wish to open them in such a manner as not to provoke hostility, so that if I was not justified in anticipating that there would be an agreement among your Lordships as to their adoption, I should do my utmost to promote a spirit of conciliation—to open them in such a way as not to tend to excite irritation—not to use any topics of an irritating nature, and in my consideration of the subjects rather to look forward to the future than backward to the past—not to view them so much with reference to past evils as to look at them with a view to future advantages, and thus to avoid as much as possible introducing anything that might tend to inflame the prejudices, irritate the feelings, and obscure the judgments of those who heard me. I repeat, my Lords, that on all these occasions my wish has been rather to look forward than backward. In the great measure to amend and improve our Parliamentary representation it was not my wish so much to look to the existing abuses of the system, as to the advantages that would follow upon the change. Again, with relation to the system of our Poor-laws, when the amendment of the abuses of that system was proposed, it was my study to avoid saying anything of the conduct of those with whom many of those abuses had originated, but rather to direct attention to the advantages which would arise from the adoption of a new system. That, my Lords, appears to me not only to be the most expedient, but the most just course of proceeding. To a certain extent, at least, I agree with the sentiment expressed in the protest of Sir Francis Palgrave, that a great deal of evil has arisen from the neglect and inattention of Parliament in treating these matters. My Lords, it seems to me, that in considering these cases of general delinquency, there is one circumstance greatly encouraging in its nature, but which has generally been overlooked; it is a circumstance applicable to crimes against society, to frauds upon individuals, as well as to abuses which often creep in upon long-existing systems of any sort. It is this—that all these evils are much encouraged by the general neglect and inattention of the persons, possessors of property, who are at last obliged loudly to demand a remedy for them. We often hear the exclamations, "What a dreadful case!" "What a frightful breach of trust! why the person gave up all his property to his confidant, and never asked him for an account." My Lords, it is just that which has occasioned the evil—it is that improper confidence, which I will not say palliates the misconduct, but which has undoubtedly tended to produce the offence. The Courts of Justice, I am afraid, are not without their share of the blame in this matter; I fear that they but too often display a considerable leaning towards palliating such misconduct; and sure I am, from experience in the other House of Parliament, that a similar fault is committed there when a case of delinquency is brought before the House. In the case of the city of Coventry, for instance, and in many other cases of a similar kind, though proceedings are at first warmly taken up, the length, the tedium, and the uncertainty of those proceedings, generally produce indifference towards the matter, and little is actually done to check the evil that has been brought under the notice of the House. In pursuance, my Lords, of my intention to lay this subject before you in a calm and dispassionate manner, I shall throw out of the question all those smaller matters as to abuses originated and kept up for the purposes of political influence and interest. I shall not allude to cases like those mentioned by a noble Earl (the Earl of Harrowby) the other day, where such influence was avowedly kept up for the purpose of securing the return of a Member of Parliament—cases where hon. Gentlemen and noble Lords become, for such a purpose, members of country corporations. I shall make no observations, my Lords, upon such cases, beyond saying *sunt vitia temporis, vitia hominum.* I am also about, my Lords, to make a much larger deduction from the topics of this debate—a deduction, however, of circumstances, which, though I shall leave out of the statement of the matter, I shall hope to take credit with you for not having negligently overlooked; for though I shall not state these circumstances, I trust that you will take them into your account in considering what ought to be the objects provided for by a Bill of the sort which I am now about to submit to your consideration. My Lords, I shall leave out all those cases of gross delinquency which have often been charged to exist in particular boroughs—I shall not advert to Ipswich, Norwich, and other such boroughs. These I shall, in my present statement, entirely leave out of consideration. Not, my Lords, as abandoning them, but from considering that the case which I have to open to your Lordships stands upon broader, more general, and public grounds; and that upon those public grounds it is more fitting in the present stage of the Bill, which is equivalent to a discussion on the second reading, that I should rely. Whatever may have been the origin of these Corporations, it is not my intention to enter upon any antiquarian or historical consideration of them. I believe it is the best opinion that they were in their origin favourable to liberty, and advantageous to commerce. But into that argument I shall not go. But what I say now is, that these institutions are too narrow for the times and circumstances in which we are placed, and that they are too narrow and confined for the communities over which they preside; that they are unfitted to discharge satisfactorily the duties they have to perform; that they are not only unfitted to discharge those duties satisfactorily, but conduce to many other evils, many other dangers, and stand in the way of many other benefits; and that, in my opinion, instead of forming the bulwarks of internal security, they form a source of peril, of hazard, and of danger. I will take, by way of illustrating this opinion, the cases of three Corporations only, against one of which a great deal has been alleged, and, it must be confessed, not altogether unreasonably, that Corporation having certainly laid itself open to suspicion —very likely beyond what is strictly just— by refusing to give any account of its affairs. These Corporations are in the capitals of three neighbouring, and, indeed, contiguous counties. They are all flourishing towns, and all of them towns of manufacturing and commercial importance. The mode of selecting the members of the Corporations is pretty nearly the same in all three; and with respect to the coincidence in the working of these Corporations, I, from my knowledge of that part of the country, was struck with the fact long before this commission or this inquiry was thought of. These towns are Nottingham, Leicester, and Derby; their circumstances coinciding in many respects, but in many respects placed in very different situations. Over one of these towns the influence of a very powerful family in this country has prevailed to a great extent, and where political feelings of what are called the liberal side (I use that expression not in an offensive sense, as implying that those opposed to them are illiberal) have also prevailed. The Corporation of Nottingham has always been a Whig and Dissenting Corporation. The Corporation of Leicester, on the contrary, has always been, to use the language of the day, of Tory and Conservative principles. "With respect to Nottingham (says the Report), the electors are pretty nearly self-elected: the political character of the select body, the exclusion of so many persons of respectability and intelligence, the abuse of the corporate franchise in the creation of freemen, the lavish and unprofitable expenditure of the corporate revenues, the secresy of the financial proceedings, the heavy weight of the local taxation, and the withdrawal of the corporate funds from contributing towards it, are so many causes of well-founded complaint, which have alienated from municipal government the confidence and esteem of the inhabitants." I apprehend the facts in that statement are such as cannot well be controverted. Now, let us look at the Corporation of Leicester. The Report describes the governing body of that Corporation "to be a self-elected, close, and irresponsible body. The results of this system have been highly unsatisfactory, and altogether incompatible with the legitimate objects of municipal government. In no Corporation has a more complete system of political exclusiveness existed than has prevailed in this. From the mayor, to the humblest servant of the Corporation, every office has been filled by persons of the Corporation, or, so called, Tory party, to the total exclusion of all who entertained different opinions, however wealthy, however intelligent, however respectable. Yet the persons, entertaining different political opinions from the Corporation, constitute, to say the very least, an equal proportion of the opulence and intelligence of the town, and unquestionably form a numerical majority of the population." Now as to the Corporation of Derby. This, again, is a town where different politics prevail from those prevailing in Leicester; the House must allow, therefore, that the selection of these three Corporations—two of them being Whig Corporations, and one a Tory Corporation—has been made with strict impartiality. The Report, speaking of Derby, says—"The Corporation of Derby has been almost uniformly composed of persons having one opinion upon political subjects, and the anxiety of the Corporation to maintain the ascendancy of their own opinions has led them to create numerous freemen for political purposes. In the year 1806, 124 honorary freemen were made and sworn. In the year 1819, 132 were admitted and sworn. It was stated, that the Corporation, whenever they thought the number of the freemen in their interest 'getting low,' the mayor, or some other influential member of the Corporation, applied to the agent of the Cavendish family, and requested a list of the names of the persons to be admitted as honorary freemen. The creation of numerous honorary freemen by the Corporation had the effect which was anticipated, for by this unfair and unjust proceeding, a body of voters, subservient to the views of the Corporation, held in check that portion of the inhabitants opposed to the politics of the Corporation, and thus, for thirty years before the passing of the Reform Bill, there was no contest for the representation of the borough of Derby in parliament." It is unnecessary for me to read any more of these Reports, because it is perfectly well known that the result is as I have stated. Now, my Lords, let me ask your lordships what do you think of the working of such a system?—a system which, in three great towns, placed in such different situations, and under such different circumstances, has so entirely produced the same extensive evils, the same bad consequences—that of the exclusion of one-half of the inhabitants of these towns from all participation of authority—from all power or control over the funds and local interests of these boroughs. I am not very well acquainted with the interior statistics of these towns, but I apprehend that the parties who are thus excluded from all participation in the local government of them, are not in property, respectability, talents, or means, less qualified to exercise the powers of government than those who exclusively possess those powers. Now this in my mind has always struck me as being one of the most conclusive proofs of the necessity of making a considerable change and alteration in the system itself. The manner in which that system works in these three important towns, producing the same results, unmitigated and unchanged, by any variation of circumstances, has always appeared to me a subject that showed there was in the constitution of these Corporations an inherent evil—a defect—a curse, which could only be cured by resorting to principles of an opposite character, and extending at least the source from which these Corporations were to flow and have their rise. I will now, my Lords, go to another town, of which we heard a great deal at the Bar of the House the other night—I allude to the city of Coventry. In that city another state of circumstances exists. It is, however, a remarkable fact, that the select body in Coventry is composed of Whigs and Tories pretty nearly in equal numbers. The system, therefore, does not work precisely in the same manner there as in other places, but then the consequences and results are not in the least degree of a better description. Everybody knows what Coventry is, notwithstanding all we heard at the Bar the other evening; and notwithstanding the possibility that the Commissioner may be wrong as to the mismanagement of the school. That single fact was alone adduced by the Counsel at the Bar, by way of impeaching the accuracy of the Commissioners' Report, although there are in that Report many other abuses pointed out, of a far more serious and grievous nature. But although the Corporation is impartially formed—though it is politically impartial—yet in that city there are perpetual contests between the Corporation and the rest of the inhabitants. There is no city in England that, in fact, has been more disgraced by a system of electing Members of Parliament by fraud, corruption, and violence, than the city of Coventry. There is no city in which violence and corruption have been carried to a greater extent, or in which greater enormities have been committed. The Commissioner who drew up the Report with reference to Coventry has, it is true, stated that all these matters have been considerably amended of late years, and that the proceedings at elections there are now much better conducted. But, my Lords, I own that though these matters, to which I have directed your Lordships' attention, have had a great effect upon my mind, they have not had so great an effect as what I was myself witness to, when I held the seals of the Home Department, with respect to Bristol. "The feeling that prevails in Bristol (says the Report) with respect to the Corporation appeared to be of the most violent and exasperating nature." I entirely agree with that statement. The Commissioners also state, "That among all the quarrels and disturbances to which Bristol unhappily has been exposed, among all the changes of parties, the Corporation has always been the object of attack and animosity;" and they add, "We are of opinion that this feeling cannot permanently endure in any society unless there is something essentially bad in the first principles of its constitution." It is then said, "that measures of the most liberal character would not be popular, if they were to originate with the Corporation." Mr. Hogg, in his protest, which has been furnished after some difficulty, says, "No good man, no real well-wisher of the parties themselves, can approve of the extreme hostility which some of the inhabitants of Bristol, it is hoped but few of them, seem to entertain for the Corporation of their ancient and famous city, and for which the printed Report, although not penned in a spirit of kindness, has displayed no adequate cause. It was necessary to hear the evidence given on the trial at Bar of the information filed by your Majesty's Attorney General, against Charles Pinney, esq., sometime mayor of the city of Bristol, and to observe the temper with which it was given, in order to estimate correctly the insane malignity by which misguided persons may sometimes be animated. To understand how it may happen that the inhabitant should be willing his house and goods should be consumed—that the tradesman should be content to see his shop in flames—and that the citizen should rejoice to have his whole city wasted, so that the Mayor and Justices might incur blame. That is very strong language—more strong than I should use; but, my Lords, I think it is true. I think there was that feeling in Bristol, though I would not venture to state it. I think there was a feeling of detestation entertained against the Corporation; that they were unwilling to repress violence, at least beforehand; and I think the language of Mr. Hogg is not stronger than is warranted by the facts. Why, then, my Lords, it is because the Corporation has no community of feeling with the public, it is because of its secret character and mode of proceeding; and, above all, because of its exclusive nature, and oligarchical character, that these evils are produced which threaten the peace and security of the country. Why, good God! my Lords, we have passed through troublesome times, have seen a great deal of public excitement and public tumult, but I can only say that I have felt much less fear from Birmingham or Manchester, than I have from any town where there was a Corporation, and for that very reason. Great excitement has prevailed in Birmingham and in Manchester; but there was no local odium, no local hatred, no local irritation, which are all far more violent than the hatred and irritation arising from public and political causes. In places having Corporations, we have not only irritations arising from the agitation of Parliamentary Reform, or the Amendment of the Poor-laws to guard against, but we have the Corporations themselves to contend with. There we have a peculiar element of evil, an additional source of danger—a system of things which, in fact, alienates the great majority of the inhabitants from the King's Government, and makes them disposed, if not to disturb, at least to wink and connive at the disturbance of the public peace. It is for these reasons that I move your Lordships to go into a Committee upon this Bill. I do not know how it may appear to your Lordships, but it appears to myself, my Lords, that I have made out a strong case upon general principles in favour of this Bill. But I have left the strongest case behind—and that is, the administration of justice. Justice is the air which society breathes, it is the health of our lives; if it be unjustly administered, or if it be irremediably suspected, then for that community there is no satisfaction, there is no peace, there is no happiness whatsoever. Justice, I believe, is not so corrupted even in the Corporations of cities as it is in the small boroughs which are convulsed with conflicting political feelings. Your Lordships are aware of the strength of those convulsions, and of the violence, hatred, and animosity which accompany them. They overturn the understanding, corrupt the feelings, and make men forget everything that is just and right. Even you, my Lords, are sometimes carried away by feelings of this nature; but I am aristocratic enough, and know enough of human nature, to be convinced that those feelings are ten thousand times more intense in the lower classes of society. So strongly do they operate, that it is impossible to obtain justice from magistrates in those towns, at election times. The only inquiry made is, on what side is the party accused or the party accusing? The answer to this question decides the matter, and not the justice of the case. But I will not dwell further on the point, though this, in my opinion, forms the strong ground on which to rest my case, and upon which I call on the House to go into Committee on the Bill. I know that the Bill is demanded by the inhabitants of all those towns; I believe that it is asked for by a great majority of the people. At least, my Lords, you should attend to that demand so far as to give it mature, cool, and attentive consideration. It is also asked for by the boroughs who have petitioned against it; by the mouth of the learned counsel who were heard at the bar,—for both those counsel ended their speeches by stating that they were perfectly sensible that there ought to be a reformation in these boroughs. Of course they were instructed to speak in that manner by their clients. They said, that the Corporations ought to be put upon more popular grounds; that there ought to be an infusion of fresh persons; that they were perfectly sensible of the evils of the existing system, and that it was desirable to produce a better understanding between the constituents and those who represented them. The second Counsel who spoke, said that his clients desired reform above all things, but they did not wish to take it from his Majesty's present Ministers; but wished to receive it from those who had not sworn the destruction of all Corporations. This was an avowal of political feeling free enough at all events. My Lords, I trust you will not be actuated by those feelings, but that you will look at the measure itself, not at the persons by whom it is introduced, and considering only the grounds and reasons upon which it is founded, your Lordships will decide whether it be fitting that it should pass into a law or not on the strength of those grounds and reasons. Great eulogiums have been passed upon the protest of Sir Francis Palgrave; but, after all, the Gentlemen at the Bar did not make any great use of that protest. I do not deny the ability of Sir Francis Palgrave; I think that learned Gentleman has treated the subject with great talent; but to me it appears that the opinions of Sir Francis Palgrave are in perfect accordance with the principles of the Bill. I do not, therefore, care whether the Commissioners' Report, or the protest of Sir Francis Palgrave be taken for a text, for they are identical. Sir Francis Palgrave takes notice of every one of the evils noted by the Commissioners, though he states them, perhaps, in a somewhat more modified and limited manner; and he points precisely at the same remedies. Some observations have been made upon that part of the preamble of the Bill which states that—" there are defects in the Charters by which the bodies corporate have been constituted;" and it is said that if there be any defects in the charters, the Crown can remedy them by granting new charters; but the Crown cannot remedy many of the defects in the Charters. I will read one line from Sir Francis Palgrave's protest, to shew that those who have advanced that argument have not read it:—" The Crown can grant the conservancy of the peace to a Corporation, but it cannot grant the compendious powers of levying rates and penalties, and effecting the arrangements by which a town-police can alone be maintained and regulated." There are many other acts, which the Crown, by its own powers cannot do, and which, necessarily, call for the intervention on this subject of an Act of Parliament. The provisions of the Bill have been stated by Sir Charles Wetherell with considerable clearness and accuracy. I shall, therefore, do no more than state the general provisions, and make a few remarks upon them. Objections have been made by the Counsel; but I think the principal provisions of the Bill meet those objections. Having stated the evils, I proceed to the remedies which the Bill provides. It places the general government of the municipal towns in the hands of a governing body, to be elected annually by those who have been resident for a certain time in the borough. The governing body will have the appointment to all corporate offices, the management of the funds, and the superintendence of, and act as trustees for, all charities. I believe this manner of administering the affairs of the borough to be the wisest and most prudent that can be adopted, as it will place the government of the boroughs in the hands of those who are most interested in administering them honestly and justly. My Lords, it has been objected by the learned Counsel at the Bar, that there is in the Bill no qualification for those who are to be members of the Town-Council. On this I would simply observe, that the idea of a qualification is perfectly new in Corporate bodies. There exists no such thing at present. It is also objected, that the Corporations are to be founded on annual elections. The answer is, all elections in Corporate bodies have always been annual. It may be a wrong, or it may be a wise system, but it is no novelty. It was also said by the learned Counsel, that we are going to establish a system of republics throughout the country; but, my Lords, we find these republics already established. If a town, having a right to settle its own municipal government, to manage its own local affairs, and regulate its own police, be, indeed, a republic,—then this system of republics has been already established by the ancient constitution of this country. The only alteration this Bill proposes to make is, that these republics shall be popular instead of being oligarchical. They are at present nothing but oligarchies, and accompanied by all the evils and miseries that have in all places and at all times, flowed from that system of Government,—a system which never promoted the welfare of those committed to its charge, but which was always the object of hatred, odium, and detestation,—a system which has generally terminated in tumult, turmoil, rebellion, and blood. We are about to give the whole body of the people some interest in the government of their towns, and by that means to give them an interest in the preservation of the public peace, and the protection and good management of public property. My Lords, I shall not discuss the clauses of the Bill, though there is one respecting the granting of alehouse licenses,—a subject which I know your Lordships take a great interest in;—but I will pass from that to clause (76) which gives the Town-council powers with respect to the police. This I conceive to be one of the most important clauses of the Bill. Nobody can look, without feeling considerable apprehension, at the deficient and defective state of the police in various towns of the kingdom, many of which have already swelled out to almost metropolitan greatness. We all know, from the experience of the late few years, the benefit that has arisen from the institution of a well-settled police in this metropolis. Since the period of the establishment of the London police, though we have passed through times likely enough to have produced disturbance of the public peace, yet we have not been obliged to call out a single soldier in quelling riot. This is a great recommendation, especially when your Lordships recollect a period when, on occasion of riots perfectly insignificant in their character, towns were thrown into great alarm, and the destruction of property was hazarded to a great degree by cavalry being stationed among the inhabitants for several days. All attempts to extend the system to other towns have hitherto failed, because the inhabitants have refused, on account of having no confidence in the Corporation, to tax themselves for any such purpose. But when the towns shall have a body of officers elected by all the inhabitants, confidence will be placed in them, and all the difficulty will be removed. We may then expect that the inhabitants will willingly tax themselves for this purpose, that the Town-council and Magistrates, when they elect, will be able to organize an efficient police equal, perhaps, to that of the metropolis. I must next deny, that the creation of the Magistrates on the nomination of the Town-council, will be a limitation of the prerogative of the Crown. This, however, has been stated, as if the Crown had the power to appoint the Magistrates in the boroughs. The Crown has no such power; nor has it the slightest power to remove them for misconduct. But this Bill will give the Crown that power which it did not possess before; it will confer a most useful and advantageous prerogative, which may, and no doubt will, be exercised in a most beneficial manner. I think this will be one of the most useful reformations that the Bill will introduce. Another good effect of the measure will be the appointment of stipendiary Magistrates in large towns, where the duties may be so heavy as to require constant attendance; and this, I think, is a provision of the Bill which will be found to work well. There will also be another advantage to the inhabitants of those towns in the appointment of efficient barristers as recorders, who will administer justice on the spot. These recorders will have to preside over the Quarter-sessions; and, from the care taken in selecting men of sufficient standing and experience in the law, there can be no doubt that this will be found an immense improvement on the present system. I need not trouble your Lordships with any instances of the inefficient working of the system as it now exists in many of the towns; but I apprehend that your Lordships will not be disposed to concur in the view taken by Mr. Hogg, when he says that the town Magistrates are even now more efficient than those of counties. The jurisdiction in capital cases being no longer necessary in those boroughs, or in Quarter-sessions, it will be abolished, and I think with advantage. One point was dwelt upon by the learned Counsel at the bar, which was the abolition of exemption from juries in those towns. This was complained of as a hardship and a grievance; but I think that, when your Lordships take into consideration the difficulty of finding impartial juries in many towns, you will admit that this part of the Bill contains a most useful reform. There are other clauses of the Bill to which I shall not advert at present. I have now stated its chief provisions. I hope your Lordships will give us the opportunity of considering its clauses in the Committee. With this view, I now move, "That the Bill be committed."

The Earl of *Carnarvon* said, it was because he was anxious that the House should give this Bill a fair, cool, and attentive consideration, and that the country might be impressed with the sense of the justice of their Lordships, that he rose to move an Amendment. The noble Viscount had referred to the case of Bristol as an argument for having more confidence in towns where there were no Corporations, than in those who possessed them; but the noble Viscount ought to remember the period when those tumults happened. It was during the period of passing the Reform Bill, when most exciting speeches were made, if not by the Ministers themselves, at least by those who supported them. The people were then told that they had rights which the people were bound to insist upon, and that rights were enjoyed by their superiors which ought to be resisted. It must be remembered that at that period the people concerned in those tumults, foolishly imagined that they were following a course which was not altogether displeasing to the Government of the day. He did not, for a moment, mean to say that his Majesty's Ministers were in any way connected with those parties; but still that was the impression upon the general mind. He was anxious that no misconstruction should take place with respect to his vote. He was not opposed to a measure of Corporate Reform. He was persuaded that great abuses existed, and that they must be remedied; and that whatever Government might be called upon to administer the affairs of the country, some measure of Corporate Reform must be introduced. In moving this Amendment, he was not in the slightest degree desirous to interpose between this Bill and the country; although he thought it was not right, at this period of the Session, to proceed with a measure of such magnitude, involving so many complicated rights, and requiring such dispassionate consideration. There ought to be on such a measure a full attendance of Peers; but he put it to the House whether in the month of August it was practicable to obtain that attendance. Private business obliged noble Lords to be absent. But after conceding the principle of the Bill, and after Counsel had been heard on that principle so very recently, it appeared to him not compatible with any notions of justice or consistency to say, that they would not hear evidence in support of the arguments against the principle of the Bill. They were bound, in justice to all those affected by this Bill, to disprove many of the allegations made against them. The Bill deals with their political rights, and rights of property, which, in many instances, were as dear to them as their titles and estates were to their Lordships. It was upon these grounds, and from a conviction that if they acted otherwise, they would forget their high character for justice, and not for the purpose of creating the least delay, he now moved, as an Amendment,—"That Evidence be taken at the Bar of this House in support of the allegations of the several petitions, praying to be heard against the Bill, before the House be put into a Committee of the whole House on the said Bill."

Lord Winchilsea and Lord Brougham rose together. The call for Lord Winchilsea was very loud; and, after a short time, Lord Brougham gave way.

Lord *Winchilsea* returned thanks to the noble Lord for his courtesy, and also to the noble Viscount opposite (Melbourne), for giving him an opportunity of expressing his sentiments on the subject before the House. He should not repeat his notice, neither should he press it on the Government. He only asked the noble Viscount to lay on the Table the Evidence on which the Bill was supported. He did not ask it as a favour; he did not seek it for party purposes; he asked it as a right, and he sought it for the sake of justice. A Commission had been issued by the Crown to inquire into the Corporations of the kingdom, in order that the Legislature might deal as they deemed fit with their privileges and property. Their Lordships were called on to legislate on them without that Evidence. If the noble Viscount did not lay every tittle of it on the Table, he (Lord Winchilsea) should not divide the House, but he should let it stand in the face of the country. He approached this question without the slightest private feeling, for no clause in the Bill would, in the least degree, affect any property which he possessed; and he could only state in addition, that he was influenced by no party considerations in thus differing from noble Lords opposite. He was a friend to Corporation, to Municipal Reform. He did not deny, for one moment, that the alteration of the circumstances of the country might require some change in the constitution of bodies which were created in former and at different periods of time. He did not deny that he asserted that Corporate property was as much the property of the corporators as any property which their Lordships might possess; but, believing that abuses might have crept into the administration of that property, he was very ready to entertain any measure for their correction. But here he should make his stand, and say, that the measure which had come to their Lordships' House was so unconstitutional in its nature, that he could not sacrifice his conscientious opinions by entertaining it for a single moment. He would farther say, if every particle of the recommendations in the Report of the Commissioners were correct, that their Lordships ought not to proceed to correct abuses in a way not sanctioned by the Constitution. He was very ready to support any measure of Corporate Reform which should be introduced on constitutional principles; but he could not support this Bill, which was founded on the Report of Commissioners unconstitutionally appointed. The noble Viscount wished the House to deal with the question as a general measure. He (Lord Winchilsea) could only consider it as a particular measure, as a Bill of pains and penalties, affecting the rights and properties of numerous boroughs, founded on the Report of a Commission issued for purposes of confiscation. What were the words of the preamble? That said, "Whereas partly by neglect and abuse of the privileges by such charters granted." Were not these the words of a Bill of pains and penalties—of a Bill affecting the rights, privileges, and properties of a great body of his fellow-countrymen? But their Lordships were asked to concur in inflicting this Bill of pains and penalties, without knowing whether there was any Evidence to justify such a measure. He implored their Lordships to consider in what situation the Corporations were placed. The case of those venerable bodies had been so powerfully stated by the learned Counsel at the Bar, that he felt it would be impossible for him to strengthen their statement by any argument he could urge; but he would contend that the property of Corporations ought to be considered and dealt with as the property of private individuals. Their property was not granted by the country, but in many cases by lords of manors to their tenants, to recompense them for services performed. He was certainly somewhat surprised to hear so little argument from the noble Viscount at the head of his Majesty's Government, when he asked their Lordships to agree to his motion. The noble Viscount said that in certain municipal towns there now existed certain party feeling. Did the noble Viscount suppose that this measure would not have the effect of creating a democratic spirit and party feeling? It most undoubtedly would, unless those persons who had no interest, either of money or property, could be expected to have a greater regard for Municipal Institutions, than those who had the greatest and the most important stakes. If their Lordships should determine to proceed with the consideration of the Bill, he should think it his duty to move that it be rejected. Before concluding he could only say, that if their Lordships determined to proceed with this measure, at least without hearing evidence, they would forfeit that respect with which they had been hitherto regarded by a large and influential portion of their fellow-countrymen. He was most anxious to do his duty, but he could never consent to sacrifice that duty by agreeing to the principle of this Bill. He knew very well, that the Resolution he intended to propose might appear almost adverse to the motion now before the House, and perhaps he might submit it to their Lordships at another opportunity [*" Read, read."*] The noble Lord read the Resolution; which was nearly as follows:—" That the House would take into its consideration and give its support to any measure founded on constitutional principles, having for its object the extension of municipal rights and privileges, or for the correction of abuses proved to exist in the municipal boroughs and towns; but that the House would consider itself bound to withhold its consent to any measure of the unconstitutional character of the present, which would subvert, if suffered to pass, the rights and privileges of the corporate bodies, because it destroyed the property of 185 different Corporations, without the House having any Evidence which could justify such a measure." He begged leave not then to move that Resolution; but he would call on their Lordships, if they thought the principle of the Bill unconstitutional, not to suffer it to proceed a single step, but, at all events, not to suffer it to proceed without hearing evidence against it.

Lord *Brougham* had wished exceedingly to address their Lordships immediately after the noble Lord on the bench opposite, not merely on account of the great importance of the proposition then before them, and to which he regarded the Amendment of the noble Lord as absolutely fatal, as neither more nor less than positively destructive; but he was also, he confessed, for an infinitely less important reason, as regarded all mankind, except himself, desirous this evening to present himself to their Lordships. It was no light thing to be charged with having been a party—and, from the accidental circumstance of his then situation, the principal party—to issuing an unconstitutional Commission. It was no light thing to be charged with having fixed the Great Seal of this country to an illegal Commission; for illegal and unconstitutional the Commission of Municipal Inquiry had been denounced to be, both by the learned Counsel who had been heard at their Lordships' Bar, and by the noble Lord who had last spoken. He was therefore anxious, in redemption of the pledge he had given to a noble Duke (whom he no longer saw in his place) on a former occasion, that he would take the earliest opportunity that he, the noble Duke, or any other Peer, would afford him in that House, to demonstrate the utter groundlessness of the charge. That was one reason that he had for desiring to address their Lordships before the debate proceeded further, and the desire that he had previously felt had not been lessened, but strengthened, by what had fallen from the noble Lord, who grounded his main objection to the Bill on the unconstitutional, and, as he thought, illegal origin of the Commission, on the Report of which it was grounded. But before he proceeded to that, he must first of all address himself to the Amendment which had been made by the noble Earl (the Earl of Carnarvon) who spoke first; for he was infinitely more anxious for the success of the measure to which the noble Earl's Amendment, if successful, would prove utterly destructive—he was infinitely more anxious for that than he was for the defence of the Commission; the latter, indeed, he looked upon as so clear, that he rather doubted whether he should not be entering upon a superfluous errand, when he undertook to prove its legality as well as its consistency with the spirit and usage of the Constitution. He confessed he had seldom been more astonished than at the proposition of the noble Earl. Astonished in the first place, because after what passed on the first night, when Counsel were proposed to be heard—when it was distinctly stated on that (the Ministerial side of the House) by all who agreed to the proposition, that it was adopted on the footing of its taking two, or at most three days, to discuss the matter—when it was known that had they been of opinion that it would take more than such a period, there was no extremity of debate or discussion in that House which they would not willingly have preferred to hearing one single Counsel make one single statement at the Bar; and when now having heard Counsel at no little length, for three long days; after hearing all that two of the most eminent and the most learned of them could urge; when, after all that, it was threatened to tender, by way of evidence, that which he would presently show to their Lordships, amounted to absolutely nothing; when, instead of proceeding to discuss the principle of the Bill, as had been agreed by compact, by compromise [*"No, no;"*] when, instead of taking that course which he maintained had been determined upon by special agreement, at the time that the discussion of the principle was deferred upon the second reading; when, instead of taking that course, it was proposed to hear more Counsel, and to call in witnesses, that proposition coming, to make the thing more wonderful still, from a noble Earl, who prefaced his statement with an admission, which, to use a legal phrase—and a legal phrase on an occasion when the legality of a proceeding was questioned, might not be deemed out of place—when the noble Earl then in legal phrase prefaced his speech with one admission which "showed him out of Court," and again concluded his speech by declaring, that he desired not to interpose one hour's delay between the House and the passing of the Bill; when he found a proposition for the future hearing of Counsel and the examination of witnesses come from a noble Lord who so expressed himself; and when he remembered the special agreement and compact into which the House had entered, when it was just determined that Counsel should be called in, he confessed he could not adequately express the astonishment he felt at the course it was now proposed to pursue. But the noble Earl's admission at the outset of his speech was in fact utterly destructive of the proposition with which he concluded. The noble Earl began by stating, that he candidly and fairly admitted in the fullest extent the absolute necessity of Corporation Reform. All that he allowed—all that he stated as a matter which no man could doubt—and the greater part of all that was admitted by the noble Earl who moved the Amendment also was admitted by the noble Earl (the Earl of Winchilsea) who spoke after him—but he wanted to have evidence to show that abuses existed—that the constitution of the Corporate bodies was bad—that the evils which existed in the system were such as to produce evils in practice—in short, admitting the existence of evils and abuses, the noble Earl, with admirable consistency, required that they should be proved. The noble Earl admitted that the evil existed, and that a remedy was wanted; yet, admitting these two facts, he required that proof should be called to their Lordships' Bar, and their Lordships time spent or mis-spent rather, in hearing evidence upon points upon which no one pretended to entertain a doubt. The noble Earl commenced by admitting, that to hear evidence was utterly useless and unnecessary [*"No! no!"*] because he admitted the very things to prove which evidence alone was required. But that some of their Lordships were already assuming a judicial character, and were even pronouncing a judicial decree against him as he passed along. He heard some noble Lords pronouncing with authoritative mien and voice "No! no! no!" therefore he must be pardoned if he presumed to show, show, show [*Laughter and cheers*] that the evidence which was about to be called to their Lordships' Bar did not in reality lead to the possibility of any one result, except the spending of the valuable time of that House, and the frustrating the just hopes and expectations of the country. The noble Earl's Motion was, that Counsel should be called in for the purpose of examining evidence to prove the statements which they (the Counsel) made last week. What were those statements? He called upon any one who had heard them to show him wherein those statements in the slightest degree affected the principle of the Bill, namely, that abuses existed—that those abuses required a remedy—and that this Bill was the only species of remedy that could appropriately be applied. The noble Earl contended, that if it were determined to hear Counsel, it followed, as a matter of course, that witnesses must be heard to support their statements. It had been maintained, that the course now proposed to be pursued, was utterly at variance with all precedent; that in every case where Counsel were heard, witnesses were also heard. In reply to that argument, he would only intreat their Lordships' attention to two cases—the measure for the abolition of hereditable jurisdictions in 1747, and the proposed measure for the abolition of negro slavery in 1807. In both cases there was an infringement of private rights, and on the first there were families in every ancient town in the kingdom, who lost some office of trust and dignity, and frequently of emolument. If any one of their Lordships possessed a heritable jurisdiction, such as the office held by his noble Friend, who was the hereditary Sheriff of Westmoreland—the most ancient, and not the least noble flower in that noble Lord's coronet—if any noble Lord possessed such an office, endowed with authority, and which was as lucrative as honourable, what would he say to a measure which at one fell swoop destroyed it, and transferred it to the nominees of the Crown? Yet a Bill with such an object was introduced and passed—was introduced by the ancestor of a noble Duke opposite (The Duke of Newcastle), and only Counsel for two Peers and one private gentleman were heard against it—no evidence was given, and only a solitary document produced. The other case was of more recent date, and one which was well remembered. He alluded to the period of 1807, when the slave-trade was proposed to be abolished. The slave-trade was called a trade—was considered all but a municipal privilege—and those who first ventured to trench upon its sacredness were considered to be hostile to the institutions of their country. It was related in *Boswell's Life of Johnson*, that Johnson ventured to drag the subject within the halls of the non-Sectarian University of Oxford, which was anything but a monstrous focus of innovation, when Johnson, in a speech, to the utter astonishment of his audience, and the horror of his biographer, proposed as a toast, "The West-India Negroes, success to them, and may they soon rebel,"—the more moderate Boswell, more of an Oxonian and Tory than Johnson, added, by way of note, in the life of his friend, "Such is undoubtedly the opinion of my great friend, but my opinion is quite the reverse, for I consider the African slave-trade to be one of the greatest features of the proudest institutions of the country, and one on which the prosperity of England mainly depends." Now, when the Bill of 1807 was introduced, Counsel, clients, mortgagees, owners of estates, ship-owners, all parties engaged in the traffic, even the Corporation of Liverpool—for those venerable bodies took part in the opposition—and Jamaica planters all flocked to the Bar of their Lordships' House, to pray their Lordships not to annihilate their commerce by cutting off the source of their trade. On the 4th of July, 1807, just as was done in this case, the Bill was read a second time, and Mr. Alexander, then a King's Counsel, but afterwards Lord Chief Baron of the Exchequer, was called in and heard on behalf of the Corporation of Liverpool. That learned Counsel was desirous of producing as a witness the Earl of Balcarras, who had then lately returned from the Government of Jamaica. Instead of being allowed to produce his evidence, the learned Counsel was himself directed to withdraw, and, after a long debate, the House ordered that Counsel for other parties should be heard. Accordingly Mr. Clerk was heard on behalf of the Liverpool Dock Trustees, and on the conclusion of his argument was ordered to withdraw, without being allowed to produce evidence. Mr. Plomer and Mr. Dallas were then called in, and were heard on behalf of the West-India colonies. They were not permitted to adduce evidence in support of their case. The present Lord Abinger, then Mr. Scarlett, was heard on behalf of the planters of Trinidad, but that learned personage, with his usual judgment, declined to offer evidence. All this occurred on the 4th of July, and on the 10th of the same month, the Bill was read a third time and passed, without any evidence having been heard. He would next refer to one or two statements that were made by the learned Counsel in the course of their speeches, with respect to what they called "the illegality" of the Commission. He was not induced to do so from any apprehension, after the admissions from all quarters as to the necessity of Municipal Reform, that either the Commission or the Report was necessary for the passing of this measure. It was admitted upon all hands that abuses existed; and the only question their Lordships had to decide was, whether the proposed measure was calculated to correct those abuses or not? But he was prepared to defend the legality of the Commission, and to show that it was Constitutional. It was Constitutional in its concoction, in its execution, in its results. That he would demonstrate to any man of ordinary information and ability. Since the Revolution, more than twenty times the number of Commissions had been issued without the authority of an Act of Parliament having been sent forth with it. The learned Counsel, therefore, who argued upon this matter, should have felt that, under these circumstances, the *onus* of proof lay on him. He therefore marvelled much, not at the doctrines which had been maintained by the Counsel at their Lordships' Bar, but at the opinions which were stated to have been given on the case submitted for Counsel's opinions. In fact, he could not have believed that such opinions had been given by the learned persons in question, if he had not seen them in writing. That the Counsel who appeared at the Bar, and were engaged in Courts of Equity, should have fallen into some portion of these blunders, did not much astonish him; but that gentlemen who had had the opportunity of frequenting the Court of King's Bench or Common Pleas — that learned gentlemen—or gentlemen who by courtesy, were styled "learned"—should not have some little *modicum* of historical learning, which might prevent them from falling into such palpable errors, and set their names to a doubt on the subject of the legality of this Commission, passed his comprehension. The learned Counsel however went very gingerly over the matter. The learned Counsel (Mr. Knight) has quoted from the 4th book of *Coke's Institutes*, in which there is allusion to the Statute of the 16th Edward 3rd. Their Lordships would observe that the learned Counsel thought it more expedient to quote from Coke than from the Statute itself; and he could not suppress his astonishment, that a gentleman like Mr. Knight, who had such a horror of innovation, should quote from Coke—which was only a new edition of Littleton; but what would be their Lordships' surprise, when they found that he had actually quoted, not even from Hargrave upon Coke, but from Butler upon Hargrave. So that here was 'Pelion upon Ossa'—Butler upon Hargrave upon Coke upon Littleton; and that from a gentleman who entertained a sort of instinctive horror at every species of innovation. But their Lordships would see that it was much more convenient for these learned gentlemen to refer to Coke rather than to the Statute, for the purpose of showing, that "a Commission of novel inquiry was prohibited by Statute." But even on Saturday the learned Counsel read enough to show that the words applied to Commissions of a very different nature from that now under discussion. Lord Coke meant, not an inquiry instituted for the mere purpose of information or curiosity, but an inquiry in the nature of an inquisition, in which the Commissioners were to inquire into and to determine something judicially. "But," said the learned Counsel, "all Commissions contrary to *Magna Charta* are illegal;" and he gave an instance of a man being seized and his goods confiscated. The moment he ascertained that these Commissioners had been exercising powers of confiscation and of outlawry, he should be most ready to admit that they had been wielding a power which did not belong to them. But he must say, that Commissions of pure inquiry were as old as Henry 7th. There was a Commission to see whether Owen Tudor, who derived under Henry 5th's widow, was lineally descended from Cadwallader. Now, that was a legal Commission. And here he must allude to the complaint of Counsel, in not being allowed to proceed further in the defence. A more extraordinary complaint he had never heard. The most unlimited license had been afforded. Of persons in the House and persons out of it, Peers and Members of Parliament, persons present and persons absent, the learned Counsel had been permitted to speak with the utmost freedom. Subjects relevant and subjects irrelevant were all dwelt upon with the same degree of unrestraint. The merits of the Irish Corporation Bill—a subject be it remembered not before their Lordships' House—had been the subject for the learned Counsel's descant. Even what had been said by the "organs of intelligence," as the learned Gentleman amusingly called the newspapers of the day, had not passed without allusions. Why did he mention, then, these things? Not that he wished the full freedom of those remarks to be hampered—not to abridge the liberty of speech to that profession in which he had passed the greater part of his life—not that he wished to pass the shadow of a shade of censure on the extreme exercise of the privilege of Counsel, but merely to point out to their Lordships how groundless was the complaint. Counsel more unfettered he thought never pleaded. No noble Lord on either side was disposed to take offence however irregular, however dull, however tedious, however reiterated the arguments of the learned Counsel. His last reason for not complaining of the full liberty which had been allowed them was, that they had declared that they felt the utmost possible respect for their Lordships. That respect he reciprocated with those learned persons; and he therefore could not help expressing his astonishment that men of such high professional character did not perceive how groundless and inapplicable were the illustrations which they applied to the forlorn hope of this most untenable case. The learned Counsel had, among other authorities, quoted Hallam and Fox; and in speaking of the conduct of King James the Second, had designated that Monarch as a most amiable man. "Really," said the noble and learned Lord, "one learns something every day." All the exuberance of metaphor, all the exhaustless invention of Horace, displayed in his choice of epithets in the commencement of his "*Ars poetica*" was not equal to this. James the Second an amiable man! and this, he would remind their Lordships, was said in the year of grace 1835, and on the morning of Lammas-day. But the learned Gentleman not only called that King an amiable man, but said because King James issued a Commission to regulate Corporations it was a case in point. Why, there "was a river in Macedon and a river in Monmouth;" and so far were Macedon and Monmouth alike. So with the Commission issued by the present Government and the Commission issued by King James. But this good King of amiable and serene memory, attempted to seize the property of Corporations without coming to Parliament. Not so with the present Commissioners. Mr. Fox said, "Go not to the Judge, but to the Parliament, for the Judges may be corrupt." Sir C. Wetherell says the reverse, "Go not to Parliament, but to the Judges." He was grieved too to find that his learned Friend (Mr. Knight) had indulged in a threat, though it might more mildly be termed an admonition. He alluded to his intention expressed of leaving the country if the Bill now before their Lordships' House passed into a law. He trusted his learned Friend would mitigate the ferocity of this resolve —and not inflict upon anxious friends so much injury. The question to which he should next address himself was, the argument against the Bill, founded upon the measure being against constitutional analogy. Of the analogies applicable to such a question, their Lordships he presumed would agree with him, that there could be but two of a constitutional nature;—those of practice, and those of principle. With both of them he proposed to deal. Sir Charles Wetherell argued, and so did Mr. Knight, against the right of the Crown to empower Commissioners to administer oaths. For the purpose of shewing that the Crown did possess that right it was not in the least necessary to prove that persons falsely swearing before such Commissioners could be prosecuted for perjury. The Crown might authorize the administration of an oath, without its following, of necessity, that the crime of perjury in the legal sense, would be committed. Perjury was the offence of falsely swearing to anything material to the issue, in a trial; or false swearing might, in certain cases, be made an offence by statute,—but the act of swearing falsely was, in all cases, at least a misdemeanor—certainly so, in all cases where the administration of the oath has been lawfully authorized. It was as he had said, a misdemeanor, or, as the lawyers would term it, a trifling with an oath. No man had ever attempted to deny that the Crown possessed the right to create a new court of law. It was true no court of equity could be created without an Act of Parliament; but a Court, consisting of a Judge and twelve jurors, might, most assuredly, be constituted by the power of the Crown, although the House of Commons only could originate a measure for paying the officers and Judges of that Court. If the Royal authority could call into being this high power of Judge and juror, surely it would be most strange to exclude the Crown from the power of issuing a Commission of Inquiry. If the larger power of issuing such Commission resided in the Crown, the existence of the smaller power of administering an oath could hardly be disputed. So much for the analogy of principle,—next for that of practice. The undeviating experience of 150 years had sufficiently established the practice. He had found between twenty-five and thirty such Commissions of simple inquiry; but, from a Return subsequently obtained, it appeared that since 1815 there had been as many as fifty-seven Commissions issued, and only four or five of these had been issued under Act of Parliament. Lord Eldon, when he held the Great Seal, issued a Commission for Inquiry into judicial offices; but with reference to that, perhaps, there might be found those who would allege that such a commission involved no right of property. He would undertake in five minutes by yonder clock, to convince any mind, the most prejudiced, that such an argument was without a semblance of foundation. If there were judicial offices in the one case, were there not mayors, capital burgesses, and a variety of other officers in these Corporations? But did those officers hold their situations for their own or for the public benefit?

Were they not, in point of fact, as strictly public as any judicial situation whatever, or as any situation connected with the courts of justice? In corporate officers the public qualities appertaining to them were plain and evident, open to the observation of all men;—while those which belonged to them privately were incidental, remote, and contingent, not necessary or absolute; the purposes of their existence were primarily public, and they could have no more private property in their offices than any other class of public functionaries. With what consistency could the upholders of sinecures say—that the holder of a sinecure had a freehold in the office? Could Lord Arden, for example, contend that the Registrarship of the Admiralty of right belonged to him as a freehold? Inasmuch as all offices were held for the public good, the private right could never be considered in any other light than as contingent and incidental. The highest legal authorities had at all times treated the private estate of an individual as a thing wholly different from the feeble, fleeting estate which the freeman of a borough held in the town-fields or commonages attaching to a borough, of which he might one day be a member, and the next withdrawn from any connexion therewith. He affirmed then, without hesitation, that the one was quite as open as the other to any species of inquiry which the Crown might be advised to institute. Would the House permit him to bring to their recollection the features of the Commission issued in the year 1830, for the purpose of inquiring into the state of the Irish Church? That Commission was issued during the administration of the noble Duke opposite, and the purpose of it was to inquire into the state of parishes and benefices, as well those separate as those where unions had been effected, and the Commissioners were directed to report upon the annual value of such benefices, upon the contiguity of the church or chapel, the possibility of dissolving unions, and the sums which each of the clergy paid to his curate. According to the doctrines held at that Bar in reference to the Municipal Corporations' Commission,—the Commission issued to inquire into the state of the Irish Church was the most Jacobinical that could by any possibility be imagined. It amounted to nothing less than authorizing the Commissioners to send for every one of the Irish parsons, to investigate the income which he enjoyed, and to inquire of him why he did not pay as much to his curate as the Act of Parliament required. Would not their Lordships agree with him that inquisitions of that extent far surpassed any interference, with regard to private rights under the Commission for Inquiry into Municipal Corporations? The learned Counsel, in calling the attention of the House to several authorities vested in the Commission, read over to them with much solemnity and emphasis the passage which gave power to send for persons, papers, records, deeds, and other instruments. What was there in those words beyond the customary forms belonging to all such Commissions? They were apparently, copied from that Commission issued during the administration of the noble Duke, to which the Great Seal was affixed by his noble and learned Friend on the other side of the House. Amongst the various topics which the learned Counsel had thought proper to use in their arguments at the Bar of this House, was the alleged ill-treatment to which the Sovereign was exposed through the illegal character and ineffectual working of the Commission now under consideration. They exclaimed—was ever Sovereign so ill-treated? was ever the Great Seal so degraded? was it ever before reduced to so low a point as that any petty attorney might set it at nought? All this was dwelt on by the learned Counsel in a way, in a tone, which he had never heard equalled out of a place of worship; and then their Lordships were told that when the rights and privileges attaching to the Commissioners, or supposed to attach to them, were disregarded, and their authority set at defiance, the Government by which that Commission was issued, did not make the least attempt to defend that which they themselves had called into existence; it was said, that they did not dare to defend their own work. My Lords, it is easy to say that they did not "dare" to go into the Court of King's Bench and indict persons who refused to obey it. In the first place it was not desirable to take political matters into the Court of King's Bench; more especially when all that was wanted could be got without going thither. Why, because out of numerous cases there were seven or eight of refusal, should they take such a step merely to avoid being told in solemn and sonorous tones that they did not dare do so? For his part, he would rather have his ears pierced with this vehement "dare," than go to the Court of King's Bench uselessly. What if out of the 2,000 Irish parsons who had been subjected to the inquiry of the Ecclesiastical Commission, fifty had refused, leaving 1,953 answerers, so that the object of the Commission was not obstructed, where was the necessity to have recourse to any other means? He knew the noble Duke who had issued that Commission, and the noble and learned Lord who had affixed the Great Seal to it, too well to suppose that they would have dared to go to the Court of King's Bench on such a fool's errand as to indict those parsons who had refused to answer. In all such cases doubts existed as to the power of the Crown to enforce its authority. He had known many refusals—he never knew one of these brought into the Court of King's Bench. With respect to the Commission, it might be that among the twenty members of it, one or two might possibly not have acted with perfect prudence and propriety. But if the Commission had never issued, the Bills under their Lordships' consideration would stand on their own merits. Allowing, therefore, every tittle of what the learned Counsel had said against the Commission would not be to allow anything against the measure. It was said by the learned Counsel that two of the Commissioners had gone to Plymouth and pronounced a panegyric upon the Plymouth Corporation, as a perfect specimen of a municipal body; and yet that it appeared that the Corporation of Plymouth had sold a presentation to a living, and neglected to repair the church, for the purpose of building a theatre and an hotel. Now that Corporation was elected by the freemen, which it was the object of the present Bill henceforth to prevent. It turned out, in fact, that the whole of the Corporation property of Plymouth was in the hands of four hundred and odd freemen, the great bulk of whom were non-residents. A great sensation had been produced by reading a passage from the Report, in which it was stated that an Alderman of East Retford had been found collaring a culprit who had been brought before him, and rolling with him on the floor, which was denied. Now he had seen a copy of the actual deposition before the Commissioners as it appeared in a provincial newspaper, in which it was stated that Mr. Thomas Rigsby, a respectable solicitor and partner to the late town-clerk, had sworn that he was present when a person charged with some offence was brought before Mr. Alderman Swaney, that he (Mr. Rigsby) happened to go out for a few moments, and that on his return he found the Alderman had collared the culprit, and that they were rolling on the floor together. This certainly was not perfectly decorous. The circumstance might or might not be true, but it had been sworn to; and he had mentioned it to exculpate the Commissioner (Mr. Rushton) from the imputation of having listened to mere gossip. In another part of the Report it was stated, that a noble Duke having given an office in his gift to a worthy and respectable man, he had always afterwards voted for the Duke. That was no charge against the Duke—it was a charge against the voter. [The Duke of *Newcastle*:—It was my grandfather, not me, who was alluded to.]

It was a matter of perfect indifference whether the case were true or not. He came now to speak of some of the members of the Commission. Two of them (Mr. Blackburne and Sir F. Palsgrave) were Central Commissioners. Of the two whom he had named, one protested against the Report—the other signed it. Of the remaining sixteen or seventeen, one, certainly not the least able, had entered a protest against the Report in the most decided and vehement language. This gentleman's friends—those who knew him best—could not, and did not, he was informed, believe that he was serious in most of the observations contained in his Report. That Mr. Hogg should have, with the sentiments which he knew him to entertain, put his name to such a document, really filled him with astonishment. He could only account for it by a reference to the temperament of Mr. Hogg; for he had known him many years on the northern circuit, and a more witty and humorous person was nowhere to be found; and he could not look on his Report but in the light of a string of jokes. In one part of his Report he thus expressed himself:—"As one of his Majesty's Commissioners, I can certify, without hesitation, and for reasons which shall hereafter appear, that county magistrates are more satisfactory than borough magistrates." Why, good God! could anything be more different than the two classes of Magistrates. A borough Magistrate discharge his duties more satisfactorily than a county Justice! Why, was not there even a proverb in use whenever a complaint was made of a Magistrate's decision? Was not the jest "charter Justice" in the mouth of every man in the kingdom? It was, in fact, perfectly ridiculous in any man, and still more so in Mr. Hogg, whose profession must have given him so many opportunities of forming a correct opinion upon the subject, to make such a comparison as that found in his protest. Ridiculous, however, as were some of Mr. Hogg's notions, he was glad to find that that learned gentleman did not altogether object to Municipal Reform. On the contrary, he said, "I freely acknowledge that it is expedient to effect a thorough Reform in these institutions—a Reform that shall extend from the root to the summit, from one extremity to the other—penetrating and invigorating every part—complete, yet temperate and judicious—the well-weighed result of calm and mature deliberation, of learning and of experience. I anticipate more confidently and heartily such a Reform, because I have no share in the rash and unsparing censures that threaten to preclude it. To be constrained to concur in the general condemnation of the venerable boroughs would be a sad and disheartening thing indeed for many reasons, but chiefly, perhaps, because all hope of amendment would be taken away by a sentence the severity of which manifestly tends, not to reformation, but to destruction." No—even Mr. Hogg's judgment told him that a measure of Reform was wanting; and, that question at rest, the only one their Lordships had to decide was, whether the measure before them was the kind of Reform desired? True, that was the question; but might he be permitted to ask if such a question required witnesses to prove its expediency—evidence to justify its enactments? No; it required Judges to decide—a tribunal to determine. The matter for consideration was a matter of opinion—a matter of argument; and their Lordships had already heard the arguments at the Bar, and they were now hearing some observations (which no doubt must be tiresome) in reply to them. In another place Mr. Hogg thus expresses himself:—"I can certify, after considerable and attentive observation, without hesitation and without the fear of contradiction, that Englishmen greatly prefer a title derived from King Henry or King Richard, and particularly from King Alfred or King Edgar, to one originating in a statute of the nineteenth century. I speak not of the mushroom population of certain towns mainly peopled by foreigners, but of the settled, indigenous inhabitants of England—that is to say, of a vast majority of the persons residing in that part of your Majesty's opinions." He then said that Englishmen preferred titles not derived from Henry 8th, from whom many of their Lordships had titles, but Henry 1st, or Richard, and particularly from Edgar and Alfred. Why he might just as well institute a comparison between a sphinx and a turkey, or a mermaid and a turkey, or a griffin and a horse. But where could they find a title derived from King Edgar or King Alfred? Surely this individual, who was extremely learned in the law, must know that no such title existed in England. And then the learned gntleman spoke so sneeringly of the "mushroom population of certain towns," alluding, of course, to Birmingham, Manchester, Sheffield, and such places, where none of the contemporaries of King Edgar or Alfred existed—where there were none of the indigenous inhabitants of the country, but where the whole population had sprung from Normans, Frenchmen, and the various foreigners who had made inroads on this country of late years. In pages twenty-five and twenty-six, this gentleman found fault with the objections taken by the Commissioners to "feasting," and applied the terms "monastic" and "ascetic" to these Commissioners, and described them as "legal monks, who did not like feasting, in which wise men had so often gloried." Again, in another place, he talked of "transplanting freedom, and allowing it to expand in boundless space." He was willing to admit that this Report might deserve praise, on the ground of being marked by many witticisms and jokes; but he protested against its being put as a counterbalance to the plain, sensible information supplied by the Report of the Commissioners. He had so far addressed himself to the question as to the illegality of issuing this Commission, and as to the manner in which it was conducted; and he was quite ready to admit that these considerations were quite beside the Question; his only apology for applying himself to which was, that he was but rendering an act of justice to those who had issued and executed the Commission. These Commissioners had been attacked vigorously and powerfully, in a manner which he had been informed produced a great impression on their Lordships; but he had not heard any charge against any part of the conduct of these Commissioners; he had not heard any impeachment of their Report which did not come within the description of it which he had already given, namely, that there had been a solitary instance of inaccuracy in the case of Berwick; a trifling mistake of mentioning one particular member of a family instead of another, with respect to East Retford: and with regard to Plymouth, that they had characterized as a good system of Municipal Government a system which was not entitled to so much credit. With respect to the arguments urged against the provisions of the Bill, the principal of them, as laid down by Sir Charles Wetherell, might be divided into heads, It was contended that the Bill took away the power of the King to make Magistrates, because he would be only empowered under it to select the nominees of the Council; and next, that in the last section but one it precluded the Crown from granting any charter henceforward unless under the provisions of the Bill. The King, it was said, had no power whatever to appoint a single Magistrate; his Majesty could neither control nor remove him; and that the power of the Great Seal stopped at the walls of corporate towns, to which it could not enter. Now the King would continue, under this Bill, to have the appointment of Recorder, and the complete control of the criminal jurisdiction of the towns, and the Crown would possess just the same powers with respect to cities already incorporated; and so far from this measure disabling the Crown from granting any charters except under its provisions, it only called for the interference of the King with respect to towns not yet incorporated. But the power given to the Crown of applying, in that case, the provisions of this Act, by incorporating a particular place by charter, did not abridge or annul its rights with respect to towns already incorporated. The principle, "*expressio unius est exclusio alterius*" did not apply to these cases. [*Here some interruption was offered to the noble Lord's address, at the Bar. He suddenly paused, and, looking stedfastly at some individual amongst those at the Bar, exclaimed*] —"Nothing so dull as listening to a long speech." "Yes," observed the noble Lord, "there is something still more dull, and that is, standing by and listening to a speech in which you feel no interest."] The noble Lord then resumed: The arguments advanced by Counsel, with respect to those directed to preside over charitable funds, had really startled and alarmed him, for if they were once admitted, they would be the means of preventing all Reform; for if it could be shown, that any right respecting these charities was granted to any person, either by the Crown, the pulic, or some pious and beneficent individual, the public officer so appointed must be perennial in this country. Now, suppose any man had endowed, with a pious and benevolent purpose, the six clerks of the Court of Chancery, with 100*l.* a-year each, and when he brought forward his measure for Chancery Reform, which was now under the consideration of a Committee up stairs, if there were any provision in it for the purpose of abolishing the amount of the sums paid to these officers, he should be reminded of this Corporation Bill—this only case of perpetuation known to the English law; and he should be told that this fund must be perpetuated, and in order to meet the views of the donor, that it must not be transferred but suffered to remain in the hands of six clerks, to the end of time. The fact was, that charities had been left to corporate bodies sometimes as trustees only having a legal interest, and sometimes as trustees having a partly beneficial interest. What was more usual than altering the trustees for the administration of charities? Did not every day's practice, every day's authority in the Court of Chancery, prove that nothing was more common, than for misconduct, or a desire to get rid of the trust, persons were continually removed? When the number of the trustees fell off, or the quorum was deficient, the Court of Chancery was not always entitled to fill them up; but when the object of the charity had altogether failed, the Court of Chancery had the power of changing the application of the funds, and directing them to purposes *si pres.* There were two charities, one of them Michael's Charity, to which funds had been left amounting to 120,000*l.* and 180,000*l.* in the other case, to redeem English captives from corsairs. Now, when these pirates no longer infested the seas—when the object of the charity became completely extinguished, the sums thus accumulated might be, and he believed were, applied to the education of the negroes in the West Indies. Now it was precisely on this principle that the Corporation Bill proceeded. Could any man doubt that the persons to whom charitable funds had been left would not have approved of the proposed distribution of these charities? Was it not likely that they would have wished to have those funds watched over by a fairly chosen council, and a mayor elected by that council, which should have a regular and effective control over them. The presumption was, that these funds were left under the management of Corporations, as they existed when these charities were granted, as well as to those which might hereafter be chosen. The argument of Counsel proved too much; but exactly in a contrary direction to that in which those who had brought it forward would have it believed; for it went against leaving any money to Corporations at all. Did it not follow from this argument, that you could never safely leave money to a Corporation; for on one of two horns of a dilemma you were sure to fall—either the Corporation must stand still, or the failure of your charity altogether must inevitably ensue. The principle of the Court of Chancery, and of the law was, that when funds were impressed with a charity, the trustees for its distribution might be appointed, and the original application failing, a new application might be ordained. Now the property left to Corporations was public property, given for public uses for the good of the community, including the corporators themselves—to the inhabitants of the towns over which they were appointed. When he got publicity once impressed upon these funds—when the objects of them failed, or it became expedient to change their administration, they remained public property, and were disbursed for the public benefit, by virtue of the reform in the constitution of the municipal bodies. Every species of vituperative expression and offensive epithet had been lavished on those who had sanctioned this Bill. Never was there such an instance of ignorance or tyranny on record. Who had looked at the Bill? No lawyer could ever have seen it. To whom was this language applied? Not to those who supported the Bill in that House; but the body to which these words might be applied were nothing more or less than the Commons of England, in imperial Parliament assembled, and truly representing the people. Again, it was said by the learned barristers, "that a Bill was passed, called the Reform Act. I know not exactly in what year." "Oh, yes," continued the noble Lord, "you do know the year well, you and those that instructed you, and those that you spoke for, and those that you spoke to, know well what year it was that Bill passed: and if you were to live not seven years, but seventy times seven years, after the Bill passed, you will reflect (some of you at least, with a bitter pang) to the last hour of your existence, on the passing of the Reform Act in the year 1832. One learned Counsel said, "I speak not as an advocate, but as a private gentleman I assert, that I have not laid before you the worst parts of the case, on the great principle that time should be saved." Now, at the risk of infringing on "that great principle," I must be allowed to say, that I cannot, for the life of me, conceive by what right the learned Counsel addresses your Lordships in the capacity of a private gentleman. That, I must say, was an inadvertency of the learned Counsel: he was here as Counsel, and he could be here only as Counsel. If, however, he had not made the best of his case, if I were his client I would say, that I would take any Counsel but the learned Gentleman to defend me on another occasion. But the fact was (continued the noble and learned Lord) that the learned Counsel had done their duty. They knew their business as well as any men in the profession; none more sedulous, and none more astute, and he never knew them to keep back anything that was either in their heads or their briefs, which, if stated, could benefit their clients. One extract more from the address of one of the learned Counsel: "How they could state such things, except in the presence of persons without education, or under the influence of faction, or misled by rapacity, I do not know." This was stated of speeches delivered by those in the other House of Parliament, for expressing a wish to remodel our institutions, with a view of intrusting them to the control of the people. "Oh!" it was said, on the part of the Corporations, "but we are ready to accept Reform, provided it comes to us from a friendly hand; we are quite ready to sacrifice our rights; we care not a farthing for the property or privileges which we have enjoyed since the days of Edgar and Alfred, by the sanction of the wise, the pure, and the honest of all ages; everything shall be abandoned cheerfully, even the aldermanic robes of dignity, provided always that the sacrifice be demanded at our hands by a Tory administration. From them we would receive as a blessing and a boon what from others would appear to us a burden and a curse. Not that we should altogether enjoy our degradation, or revel in feastless indolence. No, we are aware of the sacrifice we should make; but this good at least would be gained to us, that we should have our friends in office, and we are necessarily friends of a Tory Administration." This was the real meaning of the arguments on the other side, but no man of common consistency of purpose, who hoped to earn a title to the respect of his countrymen, could for a moment lend his sanction to it. The noble and learned Lord concluded by saying that he had a great debt of gratitude to the House for having thus attentively listened to an individual who had no personal claims to their consideration, and on a subject, more especially, so dull in itself that he could hardly have expected anything like a patient hearing for it; he could only make the House his most hearty acknowledgments for their attention. He felt it due to himself to say, that the part which he had taken in this measure, resulted not only from the deep interest he took in the measure itself, but from the respected attachment which he entertained for the House of which he was an unworthy member.

Lord *Lyndhurst* said, it was not his intention to follow the noble and learned Lord through all the topics he had brought forward on the present occasion. It was not his intention to follow him into the discussion of the merits of the Parliamentary Reform Act, which had drawn forth such high and eloquent eulogiums from the noble and learned Lord, further than to remind their Lordships that one of the main objections to this Bill was that it trenched upon that very Reform Bill; that it deprived in its original state a large class of persons of the benefits and advantages which they derived under the Reform Act; that in the first Committee of the Bill in the House of Commons, all attempt to remedy that was firmly and obstinately resisted—that when the Bill was committed a second time the same attempt was made, and with the same success; and it was not till the very last stage of the Bill, after the re-commitment, that those evils, this injury, this destruction of a franchise secured by that final measure of Reform, as it was called, was in any degree even partially remedied. With respect to what the noble and learned Lord had stated as to Mr. Hogg, he was not disposed to enter into any vindication of that gentleman; if that gentleman had published an absurd report, which, however, he was not prepared to admit—if Mr. Hogg had shown himself totally incompetent for the situation in which he was placed, which, however, he altogether denied, by whom had he been appointed? who placed him in the situation of Commissioner? Why, the noble and learned Lord, who stated, that after knowing him intimately, having travelled circuit with him for several years, he considered him a fit and proper person to be named one of the Commissioners; and, therefore, that noble and learned Lord should be left to settle this question with his noble Colleagues who now sat near him. He begged leave to call their Lordships' attention from those topics to what was, perhaps, the main subject of this discussion; his noble and learned Friend had referred to two precedents, to two only, which he considered decisive of the present question, and disposing altogether of the motion of the noble Earl (Carnarvon). The first of the precedents arose out of what took place on the abolition of the hereditary jurisdictions in Scotland, and it was said, that although Counsel were heard on that occasion, no witnesses were examined, and no evidence was adduced. But in order to make that a case in point, it was natural to inquire whether, in the first place, any evidence was tendered; whether, if tendered, it was made the subject of discussion and controversy, and whether, after discussion and controversy, it was finally rejected. Unless such had been the case, what would become of the authority of this precedent, on which so much reliance was placed? Their Lordships, however, would be surprised to find that the case was precisely the reverse. All the evidence tendered was received by the House without objection. It was formal and documentary, but still it was evidence, and as such it was received. So much, therefore, for the first precedent. With respect to the second and only remaining precedent, arising out of the Bill for the abolition of the Slave-trade, it was undoubtedly true, that Lord Grenville had opposed the production of evidence, but upon what ground? Why, because in truth it was not evidence. On that occasion Mr. Plumer, the Counsel, observed, that from the long period during which the governor of the island had been in Jamaica, he would be able to point out the consequences of the Bill to the West-India proprietors. Lord Grenville remarked that it was irregular to examine a witness at their Lordships' bar who had no facts to state, but who was merely called to explain his views and opinions; and no doubt in that respect the noble Lord was perfectly correct—it was not legitimate evidence—facts, he said, might be sworn to; but prophecies could not. That kind of evidence was not fit for their Lordships to hear, and therefore he moved that the next Counsel be called in. But Lords Eldon and Liverpool, in the course of the debate, stated, that if proper evidence were adduced in the subsequent stage of the proceeding it should be received. So much, therefore, for the only remaining precedent relied on by the noble and learned Lord. He would, however, add, on the Slave-trade question, that the agent from Barbadoes claimed to be heard as a witness, and he was heard. He thanked, therefore, his noble and learned Friend for mentioning the subject of the Slave-trade, because mentioning that had caused him to direct inquiry to be made, the result of which inquiry had been the discovery of this precedent, which was confirmatory of the view he took of this case, and entirely destructive of the soundness of the opinion expressed by his noble and learned Friend. Having discovered, then, there was nothing in the two precedents brought forward by his noble and learned Friend, and that there was a precedent the other way, what was there to lead their Lordships to the conclusion that they ought not to examine witnesses? It was necessary to look at what this case was. The preamble of the Bill stated, that in the charters of several Corporations of this kingdom there were divers defects. That certainly was matter of evidence. It did not state they were all defective, and that they were all in one form by which the House could judge of them, but only that in divers Corporations there were certain defects—and was not that matter of evidence? It went on to say, that the Corporations had abused their privileges, and neglected their duties. Was that a matter of evidence, or was it not? Was that to be discovered, ascertained, and fixed by the examination of witnesses, or was it not? But what was the deduction to be drawn from all this? Why, that it was to be enacted that certain provisions and regulations should be made, the result and consequence of which were to be, that a great number of individuals were to be stripped of their property—stripped of that which by law they were entitled to, and which by the operation of no law could they be deprived of, unless charged and convicted of certain offences in a Court of Justice, and that that property was to be transferred to the hands of others. Would noble Lords on the other side of the House say their Lordships ought not to require evidence before they proceeded to enact such a law. Why, the whole of these matters were referred to in the Report of the Commissioners. The Commissioners had taken evidence upon which they founded their Report, and without which evidence their Report must be regarded as utterly destitute of all foundation. Could any person who ever sat in a Court of Justice, who was at all imbued with the principles of justice, who had ever practised in a Court of Justice, say that the whole of this was not to depend on evidence? and that parties were to be stripped of their rights and property without a charge being preferred against them, or, if preferred, as had been by this Bill, without having an opportunity of meeting that charge? If his noble and learned Friend's precedents had been correct, if they had been founded in fact, and were exactly as they had been represented by his noble and learned Friend, still he should have said, disregard such precedents, look to the principle of the thing, and to the rules of justice. But when it was found that his noble and learned Friend's precedents amounted to nothing, and that there was a precedent the other way, what would their Lordships say to the argument of the noble and learned Lord who had sat so long in courts of justice, and appeared to be so much imbued with the very first principles of those courts? Proceeding a little further, the preamble of the Bill stated that the present Corporations were not efficient administrations of local justice. That was the substance of the statement. That being the preamble, and it being taken from the Evidence given before the Commissioners, what would have been the natural course of legislation? One would naturally have expected it would have been said there are old charters granted by the Crown—granted by the prerogative and from the bounty of the Crown—ascertain what the defects are, and let them be amended by remedies consistent with the defects. He did not believe there was a single Corporation in the country which would have been unwilling to have accepted a charter to amend their defects. But if there had been defects in them, and if they had worked injuriously, he was sure their Lordships would have been willing to have amended those defects in the way he had described, and that was the way which cautious, prudent, and wise legislators ought to adopt. But that would not have met the views and the objects of those persons by whom this Bill had been framed. Who could be so blind as not to see that this Bill was not a Bill for the Reform of Corporations, but a Bill brought in to consolidate and to strengthen the party by whom it was brought in. Was there a single individual in that House who was so blind as not to see that? He would beg of the House to look at the nature of the evils complained of, and which were represented as being so pressing and so urgent as that, at this late season of the year, the measure was to be pushed forward with that degree of eagerness which had throughout characterized it. If it was for a party object that the Reform of Corporations was to be effected before the next dissolution of Parliament, he could understand the thing, and so would the noble Lords who heard him. He would call the attention of the noble Lords to a little document he held in his hand, for the purpose of showing the spirit with which this Bill had been conducted. Their Lordships were aware that by this Bill it was proposed the large towns throughout the country were to be divided into wards. A considerable struggle took place in the other House of Parliament to have those towns divided into a great number of wards, and the reason assigned for that was, that if they were divided into a great many wards, there would be a mixed return. That was the object. A noble Lord in the other House of Parliament, by pressing the subject, got an increase of the number of wards, and with this view. Now it was said this was not a party measure. He held in his hand a document which he had moved should be laid on their Lordships' Table, and to which he now called their attention. By the way, this document had all the character of an insult to their Lordships' House. A Bill had been brought into the other House of Parliament, and carried through that House, but which could not become the law of the land till it had been carried through their Lordships'—till it had received the Assent of the King. It appeared indecent, therefore, to assume upon that Bill passing the House of Commons that it would become the law of the land. Instead of waiting until that Bill had passed their Lordships' House and received the Royal Assent, a Commission had already been issued for the purpose of dividing the large towns into wards, in pursuance of a provision in that Bill, which had not yet even passed their Lordships' House. He would entreat their Lordships to mark the instructions that were given. Those instructions were issued by an individual whose name had been often mentioned in their Lordships' House, and who was in close alliance with his noble and learned Friend—no less a personage than Mr. Joseph Parkes. He was a keen, intelligent, and active agent of a party—of a faction, and no man better qualified for the purpose. It was considered necessary then to regulate this division of towns into wards, so as not to defeat the object of the Bill; and the instructions were in these words—"When a borough contains several divisions, some of which contain richer and some of the poorer classes, you will not divide them so as to throw the richer into a ward by themselves, and the poorer into another ward by themselves; but, on the contrary, you will endeavour, as far as possible, to divide them so as to have some of the richer and some of the poorer, and nearly equal proportions, in the same ward." Must not everybody know that the object of these instructions, which no doubt Mr. Joseph Parkes had received from his superiors, was to neutralize and destroy the effect of the division of the larger towns into wards, and that this Clause showed the measure to be a decidedly party measure? It had been just intimated to him, also, that Mr. Parkes advised that the nature of the division should be kept secret, that the people might not know what was going on. But their Lordships lived in the world, they walked the streets, they frequented the clubs, and their ears were already assailed by the statements of the party who brought forward this measure, of the increase of the votes they would have at the next election after this Bill had passed into a law; and, in consequence of the obstruction that had already taken place in the passing of the Bill into a law, by their Lordships' desire to hear Counsel that justice might be done, they were assailed by every species of calumny and abuse that tongue could utter, all, however, forming conclusive evidence to show that the great object of this measure was to increase the power of the Whig party at the expense of those whom his noble and learned Friend had described as the Tory party. The same might be said of a paper which had just been handed to him, confirmatory of his argument, but which he had never seen before—a paper inscribed, *We can't afford it; being Thoughts on the Aristocracy of England,* part 2nd, by Isaac Tomkins.* What did

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* It seems necessary to mention in a note, that common report ascribed the authorship of the pamphlet quoted, by Lord Lyndhurst, to Lord Brougham.

Isaac Tomkins say? No man could better dress up a bad case; no man could give more effect to a just and righteous cause, and he should state to the House what Mr. Isaac Tomkins had to say:—"The same might be said of Municipal Reform, a measure of infinite importance in furthering our emancipation from the Tory yoke." Then he went on to say, and of the best Reform also—because something was to follow after this, and that was the lowering of the qualification, which he considered must be carried in order to secure the best interests of the party. Thus their Lordships were called upon to violate all those rights which had hitherto been considered as most sacred, for the benefit of one party in the state. Men holding rights, either by charter from the Crown, or by act of Parliament, had generally, heretofore, been considered as holding them by the best title. No man could be stripped of rights, holding them either by the one or the other, except upon a charge being preferred against him, and that charge being there substantiated by satisfactory evidence. That had hitherto been the rule. That had been acted uniformly upon by those who had been called Conservatives and Tories, but sorry was he to say, it had not been so by those who pretended to be the friends of liberty and their country. He believed that this proceeding had been conducted in the other House of Parliament under some obscure notion of the law affecting Corporations. It had been said justly at the Bar by the learned Counsel who addressed their Lordships, and not controverted by his noble and learned Friend, that a Corporation held its property by the same title and right by which any private individual held his property. If a private individual held property subject to a trust, that property was bound by that trust. If a Corporation held property subject to a trust, that property was bound by that trust just in the same way, and to the same extent, as the trust property held by the private individual. Property held by a Corporation, not subject to a trust, was entirely under the control of the Corporation, and at its free disposal, just in the same manner, and subject to the same rules and rights of disposition, as property was held by any private individual in the country. Was there any doubt upon this? He had never heard a doubt about it whispered in that House; but he had heard much out of that House to lead him to the conclusion that those principles of law had not been understood in the other House of Parliament. Sure he was, when he looked through this Report, that that law had been misrepresented by many of the Commissioners, who had come to the conclusion that all corporate property was held subject to some trust. He would repeat that property held by a Corporation and upon trust, was at the free and absolute disposal of the Corporation which held it, whether municipal or not, exactly as property was held by any private individual within these realms. He would refer his noble Friend to a judgment pronounced by Lord Eldon in the "Attorney-General v. the Corporation of Bristol," where that noble and learned Lord laid down all the rules of law applicable to this subject. But that there might be no doubt on this point, he was prepared with a very short and precise passage in a case in which he was employed many years ago as counsel, in which Lord Ellenborough expressed his sentiments on this subject. It was in a case in which he (Lord Lyndhurst) as counsel, had made an application to discharge a rate which had been made by the magistrates of the borough of Berwick. He moved to discharge it on the ground of the Corporation being in possession of funds which it was their duty to apply to the public purposes of that town, and that they were bound so to apply those funds before they could make that rate. Lord Ellenborough, on that occasion, said it lay on those who insisted on the particular application of the Corporate estates, to show they were compelled to apply them in that way; if estates had been granted to them, they had a right to apply them just as any other person would apply their estates, unless they were restrained, by the particular grant, to apply them to particular purposes. He had referred to this to show what was Lord Ellenborough's opinion upon a question of this sort, in concise terms. Applying this to the case of individuals, would their Lordships strip an individual of his property without a charge being preferred against him, and without that charge being supported by evidence? If they would not, then, under similar circumstances, would they not require the same course of proceeding to be adopted with respect to a Corporation that was absolutely essential in reference to an individual? Their Lordships had heard much said about public expediency in reference to grants of Charters by the Crown. Suppose the inhabitants of Westminster were to say it was inexpedient that they should continue to pay the tolls to Covent-Garden. Those tolls were held by a noble Duke, a Member of that House, under Charter granted by Charles 2nd, and if the inhabitants of Westminster were to say, rescind that doctrine, and let them get rid of that Charter without any proof of abuse, or any evidence to establish a charge of abuse, but merely because it was not convenient to them to be subject to such a charge, would not that be considered a monstrous doctrine? And if their Lordships were to act on such a doctrine, where could it be supposed they would stop? If they adopted that in one case of property, what argument could be raised to resist it in another? How many Members of that House held their titles and possessed their rights to sit in that House, by virtue of a patent granted by the Crown under the Great Seal. It might be expedient to remove them, in the eyes of some individuals, without any charge or any evidence of a charge being brought against them; but he would advise their Lordships to be cautious not to take the first step; the first would lead to the second, and the second to a third. He would say to their Lordships, stand on the first principles of justice, and defy public clamour; act as you are bound to act as gentlemen and as nobles of the land, and never mind the consequences. The Corporations of England, the Church, and the hereditary Peerage, stood as barriers between the throne on the one side and the Democracy on the other—a check to the arbitrary power of the Prerogative,—a check to the license of Democracy. Those Corporations were assailed at the time to which his noble and learned Friend had referred, 200 years ago, by the power of the Prerogative, because they stood in the way as a barrier against the arbitrary principles which the Prerogative of the Crown was then anxious to establish. They triumphed in their resistance then; they were now assailed on the other side by the party of the movement, and they stood as a barrier, as it appeared from the documents he had read to their Lordships, against the license of the Democracy, and as a strengthening of the Conservative party; therefore he would say to their Lordships support and maintain them. If they fell, the church would come next, and the hereditary peerage of the realm afterwards. The Aldermen were to be extinguished. What was the cry in the streets? That the extinction of the peers must come next. But he had another objection to this Bill. All the Municipal Corporations throughout this kingdom held their chartered rights under gifts and grants from the Crown. That was a part of the flower of the prerogative of the Crown—that which caused the Crown to be looked up to and respected. Their Lordships were now called upon to cut down those grants which had been the gifts of monarchs for a period of 500 or 600 years; and instead of allowing the Crown to continue to give new grants, the House of Commons was to come in and was to have the initiative power, and it was Parliament that was to grant chartered rights upon the ruin of the charters which had been granted by the Crown. There was a great inconvenience in this. If a charter were granted by Parliament, and worked ill, the Crown could do nothing with it. If a charter were granted by the Crown and it required to be amended, another might be immediately granted. That power existed now, and it would continue to exist by law so long as charters were granted by the Crown, but the moment this Bill was passed that prerogative would cease. If it was said that self-election was bad law, how easy would it have been to have amended the charters in that respect as they now existed, and to have got rid of that principle? He had looked at the present Bill, with a view to alter that point, and nothing could be more easy. If self-election were an evil, and hereditary legislation might be an evil with some, no doubt the House would pause before it decided broadly that what was called self-election was an evil; but if it was, how easy would it have been to have got rid of that evil by providing for an open election. If an election required control, how easy would it have been to have appointed auditors—auditors nominated by the King. If there were defects in the administration of justice, which was not alleged in the Report of the Commissioners, how easy would it have been to have remedied those defects by declaring that unless there was a recorder appointed no quarter sessions should be held. But that would not have answered the objects and the purposes of those who were the promoters of the present Bill. He had said before that one circumstance which satisfied him of the true object of this Bill was an alteration that had been made in the elective franchise. When the Reform Bill passed through the House of Commons, much discussion took place upon the rights of freemen—whether the rights of freemen—those plague spots, as the Attorney-General of the present Government had called them—whether those rights should be maintained. It was at last declared that they should be maintained as a mode of conciliating their Lordships' House, and of inducing their Lordships to pass that Bill into a law, and which their Lordships did pass. Now, by another Bill, privately and covertly brought into Parliament, those rights were entirely to be swept away. A political measure more base than that had never been thought of. It was a Whig measure—Whig in its principle, Whig in its character, and Whig in its object. This had already been resisted over and over again—resisted almost to the last; and before the Bill finally passed, a proviso was introduced for the purpose of applying a partial remedy. Their Lordships might discuss this measure as they pleased, but the foundation of it was the Commissioners' Report. The King's Speech pointed to that Report as the foundation. No step was taken till that Report was on the Table; the preamble of the Bill was taken out of that Report, and when the Bill was opened in the other House of Parliament, the noble Lord who introduced it made the Report of the Commissioners the foundation of the measure. Who could doubt that it was the foundation of the Bill? He would ask their Lordships then, sitting as legislators and as peers judicially, if they were to deprive men of their franchise, their properties, and their pecuniary rights, upon the foundation of a Report made by Commissioners collected from evidence, to enable them to do that what ought they to require. Would they not say to themselves, who were those Commissioners? Had their Lordships seen them in public acting in high stations, so as to have been able to form a correct opinion of their discretion impartiality, caution and sound judgment—a correct opinion of those qualities being possessed by them, what could cause their Lordships to have satisfactory confidence in the result which they had come to upon their inquiries? Before their Lordships acted upon the faith of a Report signed and prepared by any set of men whatever, they would surely ask themselves such questions, and would never consent to strip men of their rights and properties without having made such inquiries. He would ask their Lordships, then, who there was among them who knew anything of the Commissioners who made this Report? Was there one noble Lord out of twenty in that House who had heard the name of any one of those Commissioners pronounced until they had seen the Report on their Lordships' Table? Could they, then, safely proceed, without making inquiries for themselves, to strip men of their rights upon the Report of persons of whom their Lordships knew nothing. He knew something of those Commissioners. In the appointment of Commissioners their Lordships would require that the Commissioners should be men free from all imputations and suspicions of partiality—free from all party motives. If a Committee was appointed in the House of Commons to investigate into any trifling matter—in olden times it was so, he knew not what it was now—it would be considered a reproach not to have a mixed Committee, a Committee composed of members of different parties. He would call the attention of their Lordships to the Commissioners in this instance. In his observations he did not mean to reflect in the slightest degree on the private characters of those Gentlemen many of whom he very well knew, but he wished to look at them in reference to their party feelings. In the first place there was John Blackburne—every body knew that he was a firm unflinching Whig. He was at the head of the Commission, and was a friend of his own. George Long—a strong and stanch Whig. Fortunatus Dwarris—had been in the habit of going upon the circuit with himself, and was a Whig. Sampson Augustus Rumball—a Whig and something more. George Hutton Wilkinson—whom he was not acquainted with, but who was also a Whig and something more. Mr. Hogg—his noble and learned Friend would vouch for Mr. Hogg having always been considered a Whig. Peregrine Bingham—a Whig and more. David Jardine—a determined Whig. Richard Whitcombe—a Whig. John Elliot Drinkwater—a strong Whig. Thomas Flower Ellis, a Friend of his noble and learned Friend's—a Whig, as his noble and learned Friend would not deny. James Booth—a Whig. Henry Reeve, whom he had the honour of knowing—strongly Whig. Charles Austen—an able man, but he should say more than Whig. Edward Rushton—a Whig and more. Alexander Edward Cockburn—he did not know whether their Lordships could examine him at the Bar, as he did not know exactly where he was at present, but he was a Whig and more. Then there was Daniel Maude, son of Mr. Maude, on the Northern circuit—a very respectable man, but his noble and learned Friend knew that he was strongly Whig. There was also Mr. Gambier, who had not signed the Report, but who was strongly Whig. Then there was Sir Francis Palgrave, who certainly was not a Whig, one who had written on the subject of Corporate Reform, and was disposed a good deal against existing Corporations; although not a Whig, he was introduced with the nineteen Whigs into the Commission. Then last of all came the Secretary—(and again his noble and learned Friend occurred to his mind)—Mr. Joseph Parkes. Mr. Joseph Parkes, Secretary to the Birmingham Union—Joseph Parkes, Secretary to this Commission—Joseph Parkes, Secretary to the Commission for Dividing the Towns into Wards. After this he would ask their Lordships if they could dispose of the most trifling interests upon the decision of such a tribunal? If his noble and learned Friend was not sitting where he was as a party, how he would ridicule the whole of this proceeding. Would to God that he had his noble and learned Friend's powers, because if his noble and learned Friend had had to deal with this case adversely, how would he have shown up the twenty Whigs! How would Mr. Blackburne have been made to figure as the leader of this Commission, and with what ridicule would he have shewn that the rear was brought up by the friend of his noble and learned Friend. But their Lordships had not the advantage of the judgment even of those twenty-two, and in some instances only one Commissioner had been sent to make inquiries, collect evidence, and make his Report, which Report was transmitted to the Committee in town, who, acting upon that Report, made their general Report—a most extraordinary course of proceeding. Any one accustomed to a court of justice knew how easy it was for an individual to go into a town where there were two parties, with the King's Commission in his hand, saying he came to receive complaints, to attain evidence upon which he could make a plausible report. But what was it their Lordships had before them? They had in evidence, they had the conclusions which these gentlemen had drawn from the evidence that was before them; not even the conclusions of the twenty, but the conclusions of one or two in particular places which conclusions so drawn were acted upon as evidence by the Commissioners generally. Was not that enough of itself to sweep the whole away? He had not wished to take the noble Viscount opposite by surprise, therefore he asked the noble Viscount if he had any objection to lay the evidence on the Table. The noble Viscount said no. The noble Viscount afterwards went down to the Bar, where he consulted Mr. Joseph Parkes or some one else, and then thought it right to state that the evidence was not in such a condition as to be fit to be laid upon the Table. Why then was their Lordships, upon the report of twenty or thirty persons, appointed for party purposes receiving the pay of a party to deprive persons of their rights and properties, without hearing any evidence whatever against those persons? He remembered being at a trial where Sir Samuel Romilly stated to the learned Judge that he remembered the case of a boy who had found a diamond ring; the boy carried the ring to a jeweller, and asked him what he would give him for it; the jeweller took the diamond out of the ring, returned the ring to the boy and said, "Oh, it's of no value, but I will give you a shilling for it." The boy got assistance, an action was brought against the jeweller, notice was served upon him to produce the diamond, he refused to do so, and the learned Judge upon that trial said everything must be inferred against the party who had taken the diamond out of the ring; and as the jeweller had the means of producing the diamond, but had refused to produce it, the best course would be to give damages to the amount of the most valuable and dearest diamond that could be put into the socket from which the diamond in question had been taken. What was the case here? The noble Viscount had the evidence here, he did not choose to lay it on the Table, so that their Lordships might be enabled to judge of its value by their own inspection of it, and therefore every-thing was to be inferred, not in favour of the value, but against the value of that evidence. What had been done with reference to other Commissions? His noble and learned Friend had referred to the Chancery Commission. There the evidence was printed, so that everybody might have an opportunity of judging of the nature of it; but in the present instance the evidence taken by twenty or thirty men appointed for a party object was to be concealed from the knowledge of the House. Was ever anything so monstrous, supported too, as it had been, by a Judge of transcendent powers—a Judge who had held the Great Seals for four years—a Judge who administered justice admirably in that House, but upon whose judgment, even upon a question of law, when it assumed a political shape, he set just as little value as he did esteem the judgment of that noble and learned Lord when that judgment was upon a question of law apart from all political consideration. The House was not to have the evidence, but his noble and learned Friend happened to have that evidence, and he produced it when it seemed to him to answer his purpose. That which answered their purpose was produced, but that which would not answer their purposewas withheld.

Lord *Brougham* said, that the noble and learned Lord was quite welcome to all that he had, and offered the noble and learned Lord a sheet of paper he held in his hand.

Lord *Lyndhurst* said, that he did not want that fragment. What would answer his noble and learnedFriend'spurpose would not answer his. No doubt that piece of paper contained a selection of the evidence, and was given to his noble and learned Friend by his friend Mr. Joseph Parkes. His noble and learned Friend had said how monstrous and absurd it was, to state that this Commission was not legal, and he had spent half an hour in beating down a case from some report which, as he had told his noble and learned Friend, he thought had nothing to do with the subject. Certainly the present Chief Baron had given a distinct and detailed opinion to the Town Clerk at Leicester that it was an illegal Commission. The Town Clerk of Leicester acted upon that opinion, refused to produce another document, and the Government had acceded to that. Sir W. Follett was subsequently consulted upon it, and he gave a similar opinion, stating that it was not a legal Commission.

Lord *Brougham* begged the noble and learned Lord's pardon, but Sir William Follett's statement was, that it was not compulsory.

Lord *Lyndhurst* considered that to be pretty much the same thing—that the Commission was mere waste paper. He had consulted with a noble and learned Earl, who had presided for twenty-five years over the Court of Chancery, upon this subject, and he could state from that noble and learned Lord's lips, that in his opinion the Commission was illegal, and could not be enforced; in truth, that the Government could not enforce it. But he would not go upon any general principle; he put his finger upon a single passage in which the word "deed" occurred, but which his noble and learned Friend in reading had omitted.

Lord *Brougham* had not read a line of the Commission; he had it not with him, but he had read a part of the noble and learned Lord's own Commission.

Lord *Lyndhurst* said, that he would then withdraw the observation, and consider that he had been mistaken. He would consider that no Corporation could be required or compelled to produce title deeds under this Commission. The King could not call upon any man to produce his deeds and titles. It could not be done even in the Court of Chancery unless a case was made out for it. A Bill would have to be filed, stating that a particular estate was held in trust, and, unless the party answering that Bill admitted that the property was held by him in trust, he could not be required to produce his title deeds. Yet their Lordships were now to be told that, without any charge or any inquiry, the King could give full authority to Commissions to cause parties to produce their title deeds. He would positively deny that there was any such power in the Crown. In this he was justified by a case to which his noble and learned Friend had referred during the time that he (Lord Lyndhurst) held the Great Seal. In that case the word "deed" was not mentioned. The words were, "papers, documents, and other writings," which his noble and learned Friend must know very well meant papers and writings of a similar nature and character. He entertained the highest respect for his noble and learned Friend. He did not mean to say he was wrong—he might be right. He was a man of great learning, had been at the Bar as long as himself, had led a life as laborious as he had; his noble Friend had had as much experience as himself, therefore he must defer to his opinion; but still he had to crave that he might be allowed to retain his own opinion, the more especially as his own opinion was in unison with the opinion expressed by the two noble Lords to whom he had alluded. As to the Report of the Commissioners, what did it state? The statement was, that in the great majority of the towns they had visited, a general and just dissatisfaction prevailed. Out of thirty or forty cases where dissatisfaction was stated to prevail, when the particular facts came to be investigated, these charges turned out to be utterly unfounded. So much for this general and just censure, which, when the charges were investigated, canvassed, sifted, and discussed, turned out to be completely unfounded. Next as to the question of revenue. The Corporations were generally charged with the mismanagement of their revenues. But Sir Francis Palgrave had observed in his Report, that these charges of mismanagement of revenue were confined to three or four cases, and these for the most part were of a doubtful description. And he must remark that the borough of Plymouth, which was certainly a popular Corporation, as there were 400 or 500 members of it at least, and the Corporation of Berwick. which was also very popular in its constitution, were mentioned in the Report itself, as affording striking examples of the mismanagement of the Corporate Funds. It turned out, then, that this charge of mismanagement of the revenue did not so much apply to the close Corporations, against which this Bill was levelled, as to the open and popular Corporations, to which all the others were intended to be assimilated. The next point in the Report to which he had to call the attention of their Lordships was the administration of justice. His noble and learned Friend had thrown out many observations, had given utterance to many sarcasms on the manner in which justice was administered at present in corporate towns, and ob erved, that when it was administered by political opponents it was not accounted justice. But after all, what was the evidence which had been taken before the Commissioners? There was hardly any evidence at all on this head, and when the charges that were made were sifted and examined, the Magistrates were acquitted by the Commissioners themselves. Hitherto he had proceeded upon the statements made by Sir Francis Palgrave. The Counsel at the Bar did not go into all the cases upon which they were instructed, but they had given their Lordships a sample of the Report. By the way, he should very much wish to know whether the perversion of the evidence of Alderman Parkes was wilful or accidental. He was examined before the Commissioners, and his evidence was taken down by a shorthand writer. The Commissioners reported that the Duke of Newcastle had obtained his place for him, and that he in consequence had given his grace his political interest; whereas the truth was, that Lord Grenville gave him the place upon the solicitation of Earl Fitzwilliam, for whose nominee, Mr. Crompton, he had always voted. He should like to know whether this misrepresentation was wilful or intentional, or whether it was another slip, or a mere joke. Whatever it might be, if they detected errors of this description in the Report, could their Lordships place any reliance upon it for their guidance in any one particular? It was stated of another alderman that he enjoyed a pension which had been obtained for him by the Duke of Newcastle. Why, he had been dead many years. Let him point their attention to another case quite as bad, he meant Sutton Coldfield. He had received his information from a very respectable gentleman, whom he himself knew. According to his statement, the Commissioner opened his court in a room of the Town-hall on the 17th, no member of the Corporation having received notice of his intention to do so. When that gentleman got there, he found three persons who had previously received notice of Mr. Cockburn's coming, who were political opponents of the Corporation, and there were also present some other persons, who had been engaged in a Chancery suit with the Corporation, and in which they had lately been defeated—a pretty partial audience! The deputy steward of the Corporation was also there, but the Commissioner refused, after hearing the charges made by these parties against the Corporation, to take down the explanations offered by the deputy steward. In consequence of what then arose, two members of the Corporation were sent for; the charges were not substantiated, but the Commissioners went and dined with the complainants, and left the town without having given the majority of the Corporation an opportunity of even knowing he was there. Now, then, he would go to Coventry. He had some information as to the state of facts there, which he was desirous to lay before their Lordships. He had taken only a few of the cases he had found, but he knew personally how matters stood. If their Lordships would look at the Report, they would find that the Commissioners, at p. 8, said, "a solicitor who had been much engaged, &c., told us so and so." At p. 15, "a professional gentleman told us so and so." At p. 29, "a solicitor of this town." At another place, "a gentleman who had been much engaged in forwarding the claims of the freemen." In another page, "a solicitor long connected with the Corporation," had given them several pieces of information. Now, their Lordships would very naturally suppose that this information was afforded by different persons. No such thing, this was one individual. And who was he? His name was Richard Mallard, who was formerly in the employ of the Town Clerk, from which he had been dismissed at the instance of a Magistrate of the county, having been known to express a wish that all the churches in England were pulled down, and the materials of which they were built, were used for the macadamization of the roads. Now, here was the portrait of this quintuple or sextuple individual. His noble and learned Friend relied upon the case of Coventry. [Lord *Brougham:* I never mentioned it.] My noble and learned Friend certainly spoke of the schoolmaster there. [" *Schools and books.*"]

Lord *Brougham* did not wish his noble and learned Friend should go on misstating, and he therefore must repeat that he did not mention the name of Coventry at all.

A noble Lord said, that Lord Lyndhurst was mistaken in attributing the reference to Coventry to the noble and learned Lord, whereas it had been made by the noble Viscount (Melbourne).

Lord *Lyndhurst* admitted that he had been mistaken. The fact was, he had not distinguished his noble and learned Friend, who was sitting on one side of the division of benches, from the noble Viscount, who was sitting on the other. Indeed, there was so much in his noble and learned Friend of the nature of the Siamese, that it was natural he should make the mistake. Another palpable error which this Report bore on the face of it consisted in the statement made relating to the proportions of the agricultural and urban population of Coventry. The Report stated, that the county of the city of Coventry consisted almost entirely of a rural population. Now, there were contained in it 2,500 families, and out of these the proportion of the agricultural population was not quite 400. And yet these Commissioners had the confidence to assert that it consisted almost exclusively of an agricultural population. He mentioned this, to show the accuracy of these gentlemen, the evidence taken before whom the noble Viscount had thought proper to uphold. He might next go on to Marlborough. The Commissioners summoned a number of witnesses, but they gave no notice to the Corporation of their intention to hold a court. Such evidence as the Commissioners collected, therefore, could not satisfy their Lordships; nor could they proceed on this Report without obtaining better evidence to guide their judgment. Complaint had been made before the Commissioners of the manner in which the Recorder of that borough had exercised his magisterial functions, in the case of a person who was tried before him for an assault; and the Commissioners, in giving an account of this complaint, remarked that the punishment was extremely inadequate to the offence. They, however, prudently added, " We had no opportunity of inquiring into this, and we put it down only as we heard it." The gentleman whose character was implicated wrote to the Commissioners, and demanded to know who was the person who had made the accusation, and who was the party tried, but he received no communication in reply. He applied to the Town Clerk, and he told him the name of the party. The Recorder then referred to his notes of the trial, they revived his memory, and on further investigation, it turned out that the offence was an assault of a violent and aggravated description upon an excise officer in the discharge of his duty, and the punishment awarded was imprisonment for three months. It was impossible that their Lordships could proceed on this Report, sent out to the public by a packed Commission, such as he had described. They were asked on this evidence to rob men of their franchise and of their property without a hearing and without a trial, the franchise and the property not only of Corporations, but of individuals. Now let their Lordships mark the extent and nature of individual rights of property held under Corporations. It frequently happened that a freeman, by virtue of his freedom, had a right to common lands, to a portion of the district near the town. This right was enjoyed by the father, and he might look to see it enjoyed by his son, by his grandson, and his great grandson, and by his descendants for all time. It was as good as a fee; the only condition was, that the parties should take up their freedom. Now, what did this act do? It said, the father shall enjoy the right, so also shall the son, if his right be perfect, but no more descendants. They cut down the fee to an estate for life. Now this was most unjust. That was, indeed, stated in the House of Commons, in the most masterly manner, as indeed every argument stated by Sir William Follett was, but it was stated to insensible ears. He would remind their

Lordships that these Corporations were copies, imperfect copies he allowed, of the three estates of the realm, and yet they were to be annihilated, for what purpose he could not tell, unless the new Corporations were to serve as models for a change of constitution in that House. It would come to that. There would be no defence for the Church, no defence for their own privileges, if they surrendered the Corporations to condemnation unheard. Their case would be like that of a single house left standing in a street which was pulled down, which the owner would at last be forced to abandon. The noble Lord continued—" Pause, my Lords; consider. At all events do no act of injustice. I know the *civium ardor prava jubentium* will not operate here, and that your Lordships will by your justice and firmness save others from wrong, and your own proper influence from diminution." He would now proceed to consider the principal provisions of this Bill. The first question was, who were to be the electors? They were to be householders, paying rates; any rate, however small, would be enough, and a person paying a rate of 6*d*. a-year would consequently, under the Bill, be entitled to a vote. Now he would ask their Lordships, would not a majority of such a constituency as this always be of the movement party? No person who had lived in the world did not know that. But the Bill did not stop here. There was to be no qualification for the elected. The council were not required to be possessed of a qualification of any description. It would be well if this were all. The Bill enacted that one-third of the council should go out every year, and when their Lordships recollected that the whole patronage of the borough was vested in the hands of the council, they would readily perceive what a fruitful field was laid open for electioneering jobbing, and how the council would be compelled to give pledges and promises, and would be ruled and dictated to by their electors. They had an example of what might be expected from these new constituencies, in the manner in which the electors, though they were of a much higher character, treated their representatives in the House of Commons. But this want of qualification was not confined to the Council. The mayor was not required to possess any qualification. He appealed with the most entire confidence to his noble and learned Friend for his support against this part of the measure. He had seen the Bill which his noble and learned Friend brought in in 1833. His noble and learned Friend had given them a draught of a Corporation Reform. In the first place, his noble and learned Friend's constituency was composed of 10*l.* householders, which would make the constituency about one-third of what it was proposed to be. Then, as to the members of the Council, they had a qualification of 1,000*l.* This was the next step. The mayor was also to have a qualification of 1,000*l.*; here was another step. But their Lordships would observe what an advance had been made in this Reform. His noble and learned Friend was then a novice, though he was now an adept. His noble Friend then was so far from departing altogether from what he found established, that in his Bill even aldermen found a place. Thus sober was his noble and learned Friend then. At all events the House ought to reform this Bill so as to make it correspond with his noble Friend's measure. As it stood, these new electors would exercise the whole political sway of the district. Did not their Lordships see what would be the consequences of this state of things? A great deal of church patronage was vested in Corporations, and under this Bill persons, whatever might be their religious opinions, would have the distribution of it, as it was to be in the gift of the Town Council. It was, indeed, said that Dissenters might now be admitted to Corporations, and might have the disposal of church patronage. That was perfectly true, but as yet the system had worked no perceptible mischief; the evil had not yet had sufficient time. But now we courted its progress. The noble Viscount (Melbourne), in speaking of the licensing of public-houses, had animadverted upon the jobbing practised under the present system. Why, there might be some jobbing; but if jobbing were practised by magistrates, what might be expected from a Town Council? How this mere circumstance would influence the elections; what promises and pledges would be given and exacted; and no class of men were more influential than those persons who were likely to apply for licenses. As to the magistrates now acting in Corporate towns, they were persons of consideration and respectability, and were of necessity chosen as magistrates; but the King could not appoint any magistrates, according to the Bill, in those towns, but such as were first selected by the Town Council. This Bill went one step further. The whole government and direction of the police was to be subjected to the lowest rabble. The persons against whom the police were to act were to choose the police. These were great evils, but they were small to those which he was now about to mention. His noble and learned Friend knew very well that in the Court of Chancery, where any trustee was appointed, it was referred to the master to inquire into his character, conduct, and sufficiency, and when the Report was made it was submitted to the Chancellor, who, if he thought it necessary, would make further inquiries. This was always the case in appointing trustees for charitable purposes. But under this Bill, persons with no qualification would be appointed members of the Town Council as trustees of all the charitable estates belonging to the Corporation. There were funds to the amount of 32,000*l.* in the city of Bristol, which would in the event of this Bill passing into a law be at the disposal of these persons, and in different other Corporations funds to an immense amount would be placed under their trusteeship. It was most monstrous, unjust, and absurd to put these monies into the hands of persons over whom could be exercised no control. These were the main features of the Bill. Were their Lordships prepared to pass such a measure without evidence? He would say of it, that under the pretence and colour of a Bill for the Reform of Municipal Corporations, it was a party job, intended to supply the deficiencies of the Reform Bill, and to destroy the Conservative party in the country, in order that their opponents might—and he would tell them it would be for a short time—recover their political influence. The noble Lord, after thanking the House for the indulgence with which they had listened to him, resumed his seat amid cheers from the Opposition.

Lord *Brougham* said he had been excessively misrepresented, though he was sure quite unintentionally, by his noble and learned Friend. He had never said a word about Coventry, or schoolmaster, or books, and except the noble Earl opposite, there was not, he was sure, a single man in the House who was not just as thoroughly convinced of it as ever any man was in his life of anything. As to his having omitted the word "deed," he was reading his noble and learned Friend's own commission, he had not a copy of his own in his pocket, and he had never read a line of it. It was very true that he did bring in a Bill for the purpose of promoting Corporation Reform; but when he did so he stated most distinctly that there were two points on which he felt the greatest possible doubt, and those were the choice of aldermen for life, and the other was the qualification of the householders. In fact, they were forced upon him, and were not his own.

The Earl of *Radnor* thought, that the real question before their Lordships was, whether evidence should be heard at the Bar of the House. The speech of the noble and learned Lord (Lyndhurst) clearly was for throwing the Bill out altogether. But, taking the view which he did of the subject, he should not go into a discussion of the provisions of the Bill. Nor would he enter into a discussion as to the merits or demerits of the Commissioners, a point on which the noble and learned Lord appeared to have more information than himself; but from the credit which the noble and learned Lord gave to some of those Gentlemen, in the latter part of his speech, he could not think their conduct had been altogether so outrageous as it had been described. With respect to the claim that evidence should be heard, it might be all very well for Counsel to make that claim, but he believed that when they made it they did not expect that it would be complied with, for they must have been aware that on a former night, the general understanding was, that evidence should not be taken, and that Counsel should be heard at the Bar, simply on the principle of the Bill, and not in relation to the facts alleged by the Report. Much had been said of the strong allegations of Counsel, and of their professions of readiness to prove these allegations by witnesses. Though not a professional man himself, he knew enough of professional practice not to place the most implicit reliance on these kind of averments made by Counsel, who, when they believed they would not be called on to prove their case, frequently made statements which they would find it very difficult, legally, to substantiate. Sir Charles Wetherell and Mr. Knight spoke, as all Counsel speak, from their briefs, and the statements made by them were not their statements, but the statements of the Town-Clerks, the statements of the parties who were peculiarly interested in opposing this measure. But it had been urged that that was in itself a reason for calling witnesses, in order that the House might ascertain whether their averments were true or not. For his part, he could not admit the force of that argument, and the reason was obvious. This Bill was not founded upon the Report; it was not founded upon any of the particular statements at which these Town-Clerks cavilled; but it was founded, as the Bill for Reforming the Representation of the People was founded, upon the notoriety of the fact that such a reform was necessary. That Corporation Reform was requisite nobody denied. It had been admitted by the noble Lord who moved the Amendment; it had been admitted a few nights since, if he remembered rightly, by the noble Duke opposite (the Duke of Wellington); it had been admitted by the noble Earl who spoke from the lower benches (Winchilsea); it had been admitted by the noble and learned Lord who spoke last; and it had finally been admitted even by the Counsel at the Bar. Sir Charles Wetherell had allowed that, in the instance of Bristol, with which he was connected, some Reform was necessary. This, their Lordships would remark, came from this Gentleman's own personal knowledge; he was not then speaking from his brief, and yet he doubted whether the Corporation of Bristol would give quite so ready an assent to their Recorder's proposition as that Gentleman might imagine. Mr. Knight had stated, on the part of the Corporations generally, that he did not believe they would object to some Reform; an admission which he attributed, however, not to any love or desire for Reform, but which he rather considered to be forced from them by what they could not but perceive was the general feeling, not only of the public generally, but even of their Lordships. Indeed, it was now quite surprising to find that every body was a Corporation Reformer, though it might, perhaps, be a matter of some curiosity to inquire how it was that, with all this great love for Municipal Reform, not a word on the subject ever escaped the Corporations till this Bill was brought before Parliament. But then the Corporations, though they did not object to Reform, objected to the manner in which this Bill proposed to accomplish it. Any defects in the existing system could, it was said, be remedied by the Crown granting new charters, to contain provisions for that purpose. But there were two parties to that bargain. Before the Crown could grant new charters, they must first of all prevail on 200 or 300 Corporations to surrender their old ones. What success would be likely to attend such an attempt as this, needed not to be told. Then, as to the bugbear of depriving Corporations of their property, it might be imagined, from the outcry raised on this point, that the property in question belonged to the Members of Corporations for their own personal, individual benefit; whereas they only held the property as trustees for others: they held it, to be applied to certain purposes. The new Corporations would, under this Bill, hold the same property; upon the same trusts; and the property would be appropriated to the same purposes, and expended in promoting the same objects as heretofore. He did not think that these apprehensions were seriously entertained even by those who put them forth. If the noble and learned Lord opposite had regarded this Bill with so serious an alarm as the earlier part of his speech indicated, he did not think that noble and learned Lord would have treated the matter so jocularly as he afterwards did. Indeed, if the Bill deserved the character which he gave of it, the noble and learned Lord, and those who took the same view, were imperatively bound to reject the Bill at once, and absolutely, instead of tampering with such grave dangers, as they were doing by the course they had now adopted. In reference to the statement made by the noble and learned Lord, that the Corporation Commissioners had transcribed the Report of the Commissioners of Charities till they came to a compliment to the Corporation, he believed, though he had heard the statement before, that it was erroneous; for he had applied to their Lordships' librarian for the Report of the Charity Commissioners in Coventry, and that Gentleman, after a search, had acquainted him that the Charity Commissioners had not reported on Coventry at all. As to White's Charity in that city, which had been so often referred to by the learned Counsel, it had been the subject of many disputes, and had formerly been much abused by the Corporation for their own private benefit. That charity was not given, as had been alleged, for the exclusive benefit of freemen, but for purposes which were general to the inhabitants of the city. The conduct of the Corporation was such, that the Court of Chancery took the trust from them and vested it in other trustees. Suppose the same course were followed with respect to other Corporations, it could make no difference to the charities, it would only place them in other hands. The important question, however, for the consideration of their Lordships was, were the affairs of these Corporations likely to be better managed by trust-worthy people elected by those who had the best interest in seeing that they properly performed their duty, or by self-elected and irresponsible persons? He believed, that throughout the metropolis it had been found, that the affairs of parishes had been much better managed by vestries elected by the rate-payers of a parish at large, than by the old select vestries, which were for the most part self-elected bodies. In the Common Council of the City of London, the elections were annual; and he believed, from all that he had heard, that the affairs of that Corporation were extremely well managed. In Bristol there were certain boards which were elected by the rate-payers at large. Again, in Liverpool, the rates were levied by Commissioners elected generally by the rate-payers. He was told that a sum passed through their hands each year to the amount of 10,000*l.*, which was managed so as to give universal satisfaction. There were many other instances in which the derided rate-payers, in places almost equally large, chose annually the parties who were to manage their large trusts; and they chose well. And why should they not do the same under any other circumstances? If bodies of men, thus annually elected by rate-payers, transact their affairs with great regularity, why should their Lordships suppose, that under this Bill, the rate-payers of the country generally, will not select their councils and officers equally well? Was there any qualification absolutely necessary now?—No, there was none of any kind or sort whatever. Anybody might be chosen, and might become a mayor or a justice, and grant those alehouse licenses about which so much had been said. Why should their Lordships be led to suppose, by the Counsel at the Bar, that the members of a corporation were all of them admitted under some qualification by law, and that only persons of a certain rank or qualification were eligible for such situations; while, on the contrary, there is no qualification necessary by law. But they were told that 4,000 Corporators would be turned out at once on the wide world. To this he would reply, that if these Corporators had acted honestly in the discharge of their trust, there was no doubt that they would be re-elected. If they had not acted honestly, they did not deserve to be re-elected. With respect to the objections to annual elections, he must observe, that in all the corporations that he was acquainted with, the officers were elected annually, as this Bill would, on that point, constitute nothing new. His learned Friend, Sir Charles Wetherell, might, under the operation of this Bill, be knocked out of the Recordership that he held, as well probably as himself; but he should not regret it if he were, because he did not think that it was fit that a person not professionally educated should be allowed to serve that office. He believed that he had not given much dissatisfaction to those interested; but he did not think that any person should be allowed to administer justice, and above all in cases of life and death, who had not received a learned education. But, without dwelling further upon these points, he would observe, that he rose principally to express his surprise at the course taken by the noble and learned Lord with respect to the Bill. If the Bill were as objectionable as the noble and learned Lord described it, he ought to have acted the straightforward and manly part of meeting it at once with a direct negative, rather than attempting to throw it out by a side wind; for there was little doubt that, if the proposed inquiry were entered into, it would end in the defeat of the Bill. The inquiry itself would be interminable; and, if each Corporation with its own Counsel were permitted to enter into its own case, it would take years before they brought the inquiry to a close. On these grounds he must oppose the Amendment, which appeared to him to have no other object than to defeat the Bill by delay.

Lord *Wharncliffe* remarked, that the noble Earl had stated that his noble and learned Friend wished to defeat the Bill by delay. He, however, denied that any such intention was entertained by Peers on that side the House. All that they desired was to see justice done, and that the persons against whom the most serious charges had been brought, should have an opportunity of defending themselves. He sincerely believed, that the only object of the Motion of his noble Friend was, to hear whether the evidence to be adduced at the Bar would bear out the allegations contained in the petitions presented in contradiction to the assertions contained in the Reports of the Commissioners. When the subject was first introduced, it was met by the objection that the Legislature had not sufficient evidence to proceed upon, and in consequence of this the Commission was issued and evidence was examined, and thus a delay of twelve months was interposed. It was said, that the Bill did not rest on the Report of the Commissioners, but it even quoted some of the words of the Report. The noble Lord, however, notwithstanding this, said that they had nothing to do with the Report. If the Bill were not founded on the Report, on what did it rest? If it were not founded on the Report, what had been the use of issuing the Commission? If it were founded on the Report, why not examine evidence to confirm or contradict the allegations contained in it, and which had been copied into the Preamble of the Bill. It was in consequence of an Address to the Crown that a Commission had been appointed to inquire into the state of Municipal Corporations, and the Report emanated from the persons appointed as Commissioners. Why was it that the Report was brought down to that House, if they were not to rely upon it? And yet the noble Viscount had said, that he did not call upon their Lordships to pass the Bill on account of the Report. By every principle of consistency they were bound to refer to the labours of these Commissioners, and what did they find? The Commissioners brought certain charges against Corporations, and on the assumption of which this Measure was founded, and he contended that it was the duty of the House of Lords to examine witnesses, to see whether the accusations that had been made were true or false. The noble Viscount had referred to three instances of mismanagement in the affairs of Corporations—namely, those of Derby, Leicester, and Nottingham; two of them were said to be Liberal bodies, and the other being a Conservative. The result of the Commissioners' inquiry was, that many persons in these towns were discontented, and that, therefore, the Corporations were corrupt. He contended that they were not justified in adopting that inference, until after they had heard evidence at the Bar of their Lordships' House. He did not deny, that great discontent might prevail in many of these towns, but this was not necessarily the consequence of the existence of great abuses. The Crown possessed the right of giving new charters; but Parliament was now called upon not only to set aside any particular rights of existing Corporations, and to give new privileges, but to revoke all existing charters for these towns, and to put their Municipal Government on a totally different footing from that on which it had hitherto rested. In point of fact, it was interfering with the prerogative of the Crown, and was acting on a revolutionary principle. It was taking away the rights belonging to one branch of the Legislature, and disposing of them in a different manner. The Corporations said, the Commissioners accused them of certain offences, and that such charges were unfounded, and they offered to disprove them. He could not believe, that the result of the present Motion would be a refusal on the part of the House to hear such evidence. It had been said, that the statements of lawyers were to be received with hesitation, as they were apt to exaggerate the merits of the case they espoused. It appeared to him that the Commissioners were open to similar charges that had been brought against the lawyers. They were lawyers, and he believed that their labours would not bear the test of examination; and, after what had taken place, he looked with great suspicion at their Reports. No one would deny that nineteen out of twenty of the Commissioners were partisans. He believed, that at least that number of them were Whigs. It was well known that the Secretary of the Commissioners had been the Secretary of the Birmingham Political Union. [Viscount *Melbourne*: that was not the case.] He had always understood so, but probably his noble Friend had more correct knowledge than he had on the subject. He should like, however, before he proceeded to legislate, to know how far the charges brought against Corporations were founded in truth. He knew that it would be said out of doors, if their Lordships assented to the Motion for hearing evidence at the Bar, that they did so for the purpose of interposing delay; but he denied, as a man of honour, that he supported the Motion on any such ground, or that the charge was founded on fact.

The Marquess of *Lansdowne* would very shortly state the grounds which induced him to oppose the motion to hear Evidence at the Bar. He was convinced, whatever might be the intention of noble Lords opposite, that if it were sanctioned, it would be equivalent to the destruction of the measure under consideration. He did not mean to contradict the assertions of the noble Lords as to their intentions, when they stated that they were not unwilling to promote the Reform of Municipal Corporations; but he could not help observing, that in their eagerness to put an end to abuses—that in their anxiety to forward the remedies for the evils they admitted to exist in the present Corporations—they were likely to stifle the measure in their embraces. He was convinced, whatever might be noble Lords' intentions, that if they sanctioned this proposition, they would be guilty of preventing the success of this measure, the object of which was to supply those defects, and remedy those abuses, which were admitted by every one of their Lordships to exist in those Corporations, and which were admitted to exist even by the learned Gentlemen who had appeared at the Bar. He was glad that there was only one Member of their Lordships' House who entertained a contrary opinion. He believed he was justified in stating, that there was a prevailing feeling throughout the country in favour of this measure. And in the other House, where there was an Opposition formidable for its talents and the experience of its leaders, as well as for its numbers, what was the conduct pursued with regard to this Bill, which was to confiscate, as they had been told, the rights and privileges of Corporations? He could not help contrasting the language used by the noble and learned Lord, with respect to this Bill, with the conduct manifested elsewhere by the Opposition with respect to it. This Bill might be as detestable in its object, and as unconstitutional in its character, as it had been described to be; yet it had not been impeded in the other House on any such grounds; it had not even been opposed in its principle, in any one stage of its progress through that place. He was glad to hear from the noble Lord opposite, a declaration that the principle of self-election was the cause of the prevalence of the abuses which existed in Corporations. On this principle, then, it appeared they all agreed; and it might almost be assumed that their object, in common, was the utter and final extinction of this bad system of election. The noble and learned Lord, however, with that sign of prudence which was peculiar to him, when he addressed the House, took care in no one sentence of his speech, which he could tax himself with recollecting, to state that he would consent to see the principle of self-election altered. The noble and learned Lord, with all that caution which was characteristic of a very prudent man, who was not exactly aware of the situation he might be placed in another year, had carefully left to himself a loop-hole through which he might creep, and make the admission that such Reform, as was now proposed, was necessary. He challenged any one to deny that the examination of witnesses at the Bar of their Lordships' House, would be equivalent to defeating the Bill altogether, in any shape, and in all shapes. The noble and learned Lord had told their Lordships to beware how they touched the principle of self-election.

Lord *Lyndhurst* said, the noble Marquess might draw this as an inference from what he had said, but certainly he had not used any words to that effect.

The Marquess of *Lansdowne* had so understood the noble and learned Lord, but of course he must take his words in the way that he had explained them. Throughout the whole of the noble and learned Lord's speech, there was manifestly a tone of alarm at the idea of interfering with Institutions which he had previously said were founded on the principle of self-election, and the substitution of that of popular suffrage, which was in harmony with the constitution of the new municipal bodies to be appointed under this Bill. The noble and learned Lord had warned the House on this subject, and had said, God forbid that their Lordships should place such power at the foot of what he was pleased to call democracy; and the noble and learned Lord said that, because the Bill proposed that the people should exercise the right of administering their own affairs and have their Municipal Institutions framed so that they might be of the greatest use, and promote the benefit of those most deeply interested. He did not quarrel with the use of those Institutions in former times, but they did not stand on a sufficiently broad basis, considering the extended knowledge of the present times. It must be admitted that no man, moving in any society in the metropolis, could enter into discussion in any room, who must not admit the great increase of knowledge amongst all classes—not that they were such perfect legislators or lawyers as the noble and learned Lord—but who, by practice and experience, were qualified to judge of their own concerns, and were as well able to manage them as the most learned and experienced. He assumed that knowledge and experience went together, and perfectly prepared the people for the management and control of their own affairs. He was comparatively opulent, and he had not the least hesitation in saying, that his less wealthy neighbours had introduced such wholesome reforms into the management of parish affairs, as had been profitable to himself, as well as to all those connected with land in the parish. He could tell the noble and learned Lord who had cautioned their Lordships against sanctioning this Bill, as it would lead to the insecurity of property, that his poorer neighbours in any parish in London, would be found to promote the best management of local affairs; and in proportion as the elections were rendered more popular, so far from the rich losing, and their property being confiscated, that their interests would be protected. The interests of the rich and the gentry were promoted and secured by those who were the subjects of popular, aye, of annual elections, which the noble and learned Lord had expressed so much alarm at. The noble and learned Lord said, that if this measure were allowed to be carried, political intrigues and cabals would be introduced and exist in every one of the places in which annual elections prevailed. He wished, however, chiefly to advert to the observation of his noble Friend, that this Bill was founded on the Report to which so many objections had been made. He would only repeat what fell from his noble Friend at the Table, that the Report might be laid aside, and they need not assume that the Bill was founded on it. If this were done, they might, as was said by his noble Friend, take the notoriety of the case, coupled with the Report. Taking both together, surely there was sufficient ground to proceed. This was not a Bill of pains and penalties, for if it were, they would not only be obliged to hear all the evidence to be adduced by Sir Charles Wetherell, but also Counsel and Evidence from every Corporation in the empire. The noble Lord said that he wished to see the Evidence, in order that he might apportion the remedy; now that was precisely what he (the Marquess of Lansdowne) did not wish to do. He did not wish to go into an inquiry as to the different degrees of that which was objectionable in each particular case. He wished to have a general measure, founded upon the general notoriety of the abuses, and which, while it cured the whole, would do no more injury to the Corporations of the country than would the Bill respecting local Courts, introduced by his noble and learned Friend last year, and which he wished to God had been passed by their Lordships. That Bill had for its object the abolishing of certain useless Courts, on the ground of public expediency, and the creation of new and efficient ones. Whatever the industry of some of their Lordships might glean out of the four or five folio volumes of which the Report consisted, he would say that he saw nothing in them to justify that general sort of imputation in which the noble and learned Lord had indulged, about this being a party measure, intended to promote party purposes. What were the noble Lords opposite admitting, if what they stated about this being a party measure were correct? Were they of opinion that those principles, and that party to which they were attached, stood so low in the opinion of the population of this country, that the mere destruction of the self-elected Corporations was to overthrow their interest? Were they of opinion that the mere introduction of the principle of popular election into these bodies, would establish that principle which they held so in abhorrence, and which the noble and learned Lord would say was the Whig principle, or something more than Whig? The noble and learned Lord had thought proper to indulge in a course of observations upon the Gentlemen who drew up this Report, for which the slight expression of approbation which accompanied it, did not afford a very satisfactory apology. The noble and learned Lord said he knew them to be most respectable individuals, of strict honour and integrity in private life; yet he, on the other hand, asserted that they would lend themselves for party purposes to carry on a *quasi* judicial inquiry; and that they would collect evidence, and partially select the facts that came before them, with the intention of misleading the Government and the Parliament as to the result of their Inquiry. It was easy to fix a vague stigma upon public men; and the noble and learned Lord dealt largely in that sort of stigma, his object being to fix a particular character upon those gentlemen. He could assure the noble and learned Lord, that with their politics he was himself unacquainted; they might be what the noble and learned Lord had described them; but suppose that the noble and learned Lord was quite right in that respect, he did not know that the circumstance of a man being born a Whig, and something more than a Whig, was to disqualify him for the exercise of any sort of judicial functions. He was afraid that if the circumstance of an individual having been "a Whig, or something more than Whig" were to be a disqualification, it would reach to much higher and more eminent characters, than those who had been subject to the noble and learned Lord's insinuations. He would say, in justice to individuals both in this House and out of it, that he did not believe that the circumstance of having been a Whig, and something more than Whig, unfitted a man for the exercise of any public function. But though the noble and learned Lord endeavoured to cast only vague imputations upon the characters of most of the Commissioners, there was one imputation in which he indulged which was of a specific nature. The noble and learned Lord, for the purpose of effect and creating an unfavourable impression against one of the individuals who was not here to defend himself, wound up his list of characters, repeating it again and again, with the remark that Mr. Parkes was the Secretary of the Birmingham Political Union. Now in this single instance, in which the noble and learned Lord condescended to name a specific fact, he was mistaken as to that fact. He had received the most distinct assurance that Mr. Parkes never was the Secretary of the Birmingham Political Union. He was quoting the expression of the noble and learned Lord; the noble Lord imputed again and again to Mr. Parkes that he was Secretary of the Birmingham Political Union; and he now told the noble and learned Lord that he was afraid that that imputation was incorrect. No doubt the noble and learned Lord was mistaken; but finding that he was so, would he not extend a little of the charity to those Commissioners which he was under the necessity of claiming for himself. He had charged the Commissioners with inaccuracy, to lower them in their individual estimation; but he hoped that the noble Lord would admit, that with the greatest care, it was not always possible to come to a correct conclusion. He knew not the mode, indeed, by which they could obtain that mass of evidence which they required on such a subject, without being betrayed into a few mistakes, which industry might bring out, and that might be used even as those which had been culled had been used this night. If their Lordships were prepared to go into a close inquiry as to this subject; if they were determined to have stated to them all the facts and contradictory facts connected with all the Corporations; if such was to be their course of proceeding, who could guarantee that it would end in a month or a year, or two years. He contended that they were already in possession of abundant facts upon which the most implicit reliance might be placed. It was notorious that abuses to a great extent had existed; such abuses existed now, and their Lordships were called upon to apply the remedy. He could not enforce on them in a better way the extent of the impression as to the abuses that prevailed in the public mind than by quoting a passage from the Report of one of those Commissioners whom the noble and learned Lord excepted from his censures. The noble and learned Lord had done that gentleman justice, because he had put in a protest. The gentleman to whom he referred was Sir Francis Palgrave, whom noble Lords opposite would consider an unexceptionable witness. He had the honour of knowing that gentleman himself, and begged to be allowed to say that he much respected him, and believed him to be greatly in favour of the ancient institutions of his country. He would now tell them what it was that, with respect to those institutions, this gentleman stated; he did not speak of facts, but as to the general expression. He said, "Upon examination of the evidence afforded by the Reports, it appears that, taking the municipal system as a whole, the ancient efficiency of the corporate institutions of England and Wales is diminished, and in some particular instances nearly destroyed." He went on to say, "Whilst every other portion of the policy of the realm has been gradually adapted to the progress of society, the improvement of municipal law has been wholly neglected, and Municipal Corporations are labouring at present under the incumbrance of institutions which have ceased to harmonize with the general system of our jurisprudence, and the influence of privileges or immunities, which, however injurious they may have become, have, up to the present day, been created, protected, and fostered by the law." That was the opinion of the "Tory" Sir Francis Palgrave, as the noble and learned Lord described him to be. In other places that gentleman pointed out the denial of justice which took place in a great many of the smaller Corporations, from the impossibility of forming juries, thus tainting the very fountain of justice at its source. Was it necessary to read more than this as to the general opinions entertained of these Corporations to justify the adoption of a larger measure for placing the foundation of municipal justice, and the financial administration of every portion of the country upon the basis on which alone it would be rendered secure, viz. the principle of free election as opposed to the principle of self-election. These were the grounds on which he asked their Lordships to proceed without delay into the Committee on this Bill, where they would be enabled to consider any amendment that might be proposed, and he admitted that he had heard some suggested that he would be happy to see incorporated in the Bill. He must in conclusion beg pardon for having addressed their Lordships at such length, but he felt it his duty to say a few words in favour of the measure, being deeply impressed with a sense of its paramount importance.

Lord *Lyndhurst* begged to say in explanation that he never intended to make a charge against the Commissioners—the charge he made was against those who appointed them. He did not intend to say that the Commissioners had not acted according to their best judgment, but everybody knew that party feelings might give a bias to men's minds. Amongst some other of the gentlemen he knew Mr. Austin particularly, and greatly respected him. There was another point on which he wished to remark. He felt that the noble Marquess, in what he had said of those who were Whigs, and something more than Whigs, had conveyed an insinuation against him. He never belonged to any political party till he came into Parliament. He had never belonged to any political society. He had been in Parliament for sixteen years, and he wished the noble Marquess, if he could, to point out any speech or act of his which would justify his being described as a Whig or something more than Whig.

The Duke of *Newcastle:* My Lords, although upon this as on all occasions I address your Lordships with great reluctance yet I feel that I ought now very briefly to state my opinions on this subject I confess I feel on this question far beyond what I can express, and therefore I request your Lordships' indulgence for the few observations I shall submit to you. I have from the beginning been opposed to this Bill: I anxiously hoped that it was not a Bill which your Lordships would entertain. For that reason I had intended to divide the House upon the second reading, since I was very desirous that the House should not be committed to its principle. To that principle I am most decidedly opposed and I am opposed to it on the ground of infringement on the Royal Prerogative, (a point which I conceive to be of the greatest importance:) as I am also opposed to it because I think it pernicious and unjust, as attacking the rights of our fellow-subjects; rights ensured to them by charters, by titles which have descended to them from the earliest times and which have been secured to them by successive guarantees. I conceive that the Commission is decidedly illegal as it has been proved to be over and over again by noble and learned Lords upon this side of the House, some of the Commissioners have seceded from the Board, and with a Report such as that which has been produced by that Commission, (and which I affirm is of no use at all) it must be on that Report, and that alone that this Bill is founded; I therefore say, my Lords, that the Commission being illegal and the Bill an infringement on the Royal Prerogative it is an irregular proceeding altogether;—I say that this Bill, is pernicious and unjust, and it is impossible your Lordships can ever suffer it to go into Committee; I declare against it altogether as I maintain the right of justice, I say it is an outrageous attempt to deprive the subjects of their birthright and their privileges. These are my sentiments, my Lords, I disclaim any intention to countenance the principle of the Bill, or the conclusions come to by the Commissioners on the evidence furnished to them. I affirm it is a Bill of Pains and Penalties, and that, therefore, it is impossible you can, without a violation of their judicial functions, go into Committee on the Bill unless you previously hear evidence on the charges brought by the Commission on which the Bill is founded. It seems to me that the Viscount has totally failed to make out a case which justifies going into a Committee. For myself, my Lords, I freely confess that I am no reformer at all—I am not ashamed to confess it;—I have been always opposed to the name of Reform. But no person would be more ready, on abuse being proved, to remedy it. My objection is to the word "Reform": and the revolutionary principles implied in the term; therefore it is I own myself an enemy to Reform, and I call upon your Lordships to resist all measures of Reform; I care not what feelings the avowal may excite, here, or elsewhere. I hold this opinion and I will maintain it. I feel it to be the duty of your Lordships to set yourselves up against this principle—this revolutionary principle—by not lending yourselves to the objectionable and revolutionary measure. The House and the country, have gone far enough in Reform. Your Lordships have doubtless heard of Magna Charta: and the Bill of Rights;—your Lordships will, by sanctioning this measure, destroy and violate the privileges both of the Charta and the Bill of Rights. A noble Lord has indeed said, that as Parliament had framed the Bill of Rights, that therefore it can alter it; but I do not agree with that noble Lord; but if it were so, it is impossible that Parliament can have the power of doing an act of injustice. My Lords, though there is no sacrifice which for the good of my country I would not cheerfully make, I did not consent to the second reading; and I cannot conceive that we had sanctioned the principle of the Bill; I feel in the strongest degree the objections which I have imperfectly stated, and therefore, considering the Bill so bad that we cannot make it better,by any alterations, and objecting to it altogether,I shall strenuously oppose the going into Committee. I now beg pardon of your Lordships for having trespassed on you at this late hour of the night but with a view of recording my opinions upon the Bill before your Lordships, I shall move that it be read a second time this day six months.

The Earl of *Harewood* having declared that he was opposed to all unnecessary delay, wished to save himself from the charge of inconsistency, should he vote for hearing evidence. He had not been prepared for the accusation made by Counsel against the Commissioners, and now, for several reasons, wished to hear further evidence. First, the allegations of Counsel, which they professed their readiness to prove, bore very much on the propriety of dealing with the Bill; second, the Commissioners; and third, the public ought to desire that an investigation should take place. When a Commission was appointed exclusively of one party, it was but right to know on what evidence they grounded their Report. Everybody must know that the Bill had been produced from the Report. It might at the same time be true that Government had thought some alteration in Corporations necessary, and had, therefore, appointed the Commissioners. But if really the Government were determined to alter to so great an extent as in that Bill, how came it that the whole Commission was made from one party? Certainly this was not the mode to frame it so as to command public respect and confidence. For these reasons he was desirous of going into the inquiry.

Lord *Plunkett* wished, without entering on details, to state his reasons why their Lordships should at once go into Committee. The Bill had been passed by the Commons with little opposition generally, and with none to the principle. It was founded on a principle of substituting popular and satisfactory election for self-election, and of removing abuses that were notorious, and adapting the Corporations to the wants and benefits of the community. It had been asked, what was the use of the Commission under such circumstances? He admitted that Government might have been quite justified in proceeding on the notoriety of the abuses and the popular anxiety for amendment, and that it was more satisfactory to the public mind to have it ascertained by a solemn inquiry. The noble and learned Lord repeated these words. He would not go further unless he were allowed to finish the sentence. Certain persons manifested a most intemperate spirit, but he would not suffer it to prevail to interrupt him in the observations he felt it his duty to make. It would be more satisfactory to the public mind to have it ascertained by a solemn inquiry what was the nature of the constitution of these Corporations. This had been ascertained. No point on which they could be called to legislate had been left unexplained. Nothing that was protested against as an evil and abuse had been denied. Nobody denied that self-election prevailed — that the institutions were too confined and narrow for their purposes, and that Reform was required. Suppose everything which had been said by Counsel could be proved at the Bar, would it alter the nature of the real question which they were now called on to decide. The question before the House did not turn on the contemptible points mooted by Counsel; if every Commissioner had been a Whig, or more than Whig, and committed acts even much more reprehensible than the most serious of those charged against them, would there be any grounds for refusing the reasonable and determined wish of the people of this country. There were two courses which they might pursue. If they thought that the principle of this measure was unjust, and that the demands of the country, as expressed through the Commons of England, ought not to be complied with, it was their duty to say so, and to say so manfully. But if they were of opinion that the feelings of the people could not be abused, and that their wishes ought not to be resisted, he for one could not venture—he spoke advisedly—to expose himself to the consequences of such an opinion being acted on. "Do not my Lords," exclaimed the noble and learned Lord, "disgrace yourselves in your own minds—do not lessen the character and dignity of this House by having recourse to a contemptible expedient; which, if you consider objectionable, you are bound to meet, in the first instance, by a fair discussion. I have a perfect right, my Lords, to warn you against the adoption of a course which, in my mind, will have the effect of impairing your self-estimation, and losing your character with the public mind." What prospect was there of bringing the measure to a conclusion, if evidence were allowed to be taken? There would, in fact, be no end to their proceedings. The Crown had no right to withdraw charters once granted to Corporations; and if Ministers had so advised the King to adopt the course pursued by Henry 8th, when he procured the voluntary surrender of several charities, what criticism the conduct of those who should authorize such an inquisition would call forth. If the only objection to this measure was, that it tended to introduce a democratic principle into the constitution of these bodies—that, so far from constituting any objection, would form with him a ground of approval of the measure. It was to the fact that the Crown was in this country based upon the perfect favour of the people that its safety and honour were to be attributed. The experience of the last four or five years should, he thought, weigh with their Lordships on this decision. He did not think that the course which had been pursued for some years past by that House was calculated to raise its character in the judgment of the country. He could not help expressing it as his conviction, that most of those who were now engaged in opposition to this measure had not (when they first warmly opposed Emancipation and Reform, and then turned round and proclaimed themselves the advocates of these measures) done much to raise that House in the estimation of the country.

The Duke of *Wellington* said, that at first he felt disposed to go into Committee on the Bill, and endeavour to make such alterations in its provisions as he hoped would take from it many of its objectionable qualities; but he felt at the same time that Counsel should previously be heard, and having heard those learned gentlemen, and taking their observations in connexion with the appendix to the Report of the Commissioners, he found it impossible to avoid arriving at the conclusion that the evidence which they tendered at the Bar of their Lordships' House ought to be received. He was the more induced to pursue this course, because they had been assured by the noble Viscount that this Bill was not founded upon the Report of the Corporation Commissioners, and they had since then heard, from the same side of the House, that the Bill was to be based upon that Report. Upon the whole of the inquiries and examination of evidence, he had at once pronounced it to be his own opinion, that the evidence before the House was not such as would authorise any Minister in bringing forward any measure of sweeping Reform on the subject of these Corporations. And he thought so because he found abundant proofs in this Report itself that there were many Corporations which had conducted their local governments so as eminently to deserve the esteem of society. He confessed, after the assurance they had received, he was astonished to find this Bill produced, as confessedly founded upon the Report of these Commissioners. He, also, confessed he had his objection to the constitution of the Commission, yet notwithstanding he was ready and professed his willingness to appear before the Commissioners and give whatever information he could upon the subject of their inquiries into the Corporation with which he was connected. But, though he had done so, no request was made to him to attend before the Commissioners, nor any written question submitted to him for an answer, and yet, notwithstanding this, the Commissioners took the liberty to introduce his name very unjustifiably in the Report. He thought that, considering the Commission had been issued under the sanction of the Great Seal, and by his Majesty's command, the conduct of the Commission was derogatory to the high authority under which it had issued. He must complain openly that this measure, though called a measure of Municipal Reform, was not a general measure. Out of 300 Corporations, it did not even affect to touch above 180. He held that there was a visiting power vested in the Crown sufficient to remedy the evils of the Corporations. These Corporations might have been visited and their condition inquired into by the King, and such persons as he should appoint *pro hac vice.* If their Lordships were prepared to convict these Corporations of abuse, it was absurd to say they would attain the object contemplated without instituting an examination of witnesses. He confessed he entertained objections to the Bill which he never could imagine would have been assented to without considerable amendments having been introduced in the Committee by their Lordships. He never could have given his assent to a Bill like this, affecting all Corporations, unless their Lordships had ample opportunity of hearing evidence upon the allegations of the Commissioners at their Bar. It was the boast and undoubted right of the subjects of this realm to be entitled to hold their property till they were deprived of that property by due course of law. Here he confessed he saw no ground for their Lordships proceeding to deprive the Corporations of that power which, in many instances, particularly in the case of the Corporation of Liverpool, they exerted most beneficially for the interest of those committed to their government, and for which deprivation and loss no compensation was even tendered; and upon the whole he could not hesitate to give his vote in favour of the amendment of his noble Friend, that evidence be heard at their Bar before they proceeded further with the Bill before their Lordships.

The Earl of *Ripon* had no intention of troubling the House at any length at that hour of the morning. The question before the House was, whether or not witnesses should be called in to prove that the Report of the Commissioners was not such as the House could proceed to legislate upon it. Now, though he did not pretend to say that the Report was not open to many objections, yet he did think that the proposed inquiry was beside that which should occupy their Lordships' consideration. He did not think, even from the Report itself, that the Corporations had been proved to be those seats of corruption that they were alleged to be. But this Report was by no means essential to enable the House to legislate upon the question. It was upon this principle the House ought to proceed, and that principle could be but little affected by the Report of the Commissioners. He had detected many errors in the Report, and would instance some errors in the Report upon the Corporation of Ripon, of which he and his noble and learned Friend on the Woolsack (Sir Launcelot Shadwell, who sat as Speaker), were Aldermen. The Corporation of Ripon was a burgage tenure Corporation, and had nothing whatever to do with the election of Members of Parliament, yet the Commissioners laboured throughout their Report to connect the Corporation influence with political objects. At the same time he did not see his way clearly through the proposed inquiry at the Bar, which he was afraid would be endless. He thought there were adequate grounds for some measure of Reform similar to that before the House; and feeling that, although that measure was not exactly one of justice, it was one of expediency, he should vote against the Motion of his noble Friend—to hear evidence at the Bar.

The Marquess of *Bute* assured their Lordships he did not mean to make a long speech. They had heard from Counsel at the Bar, that numerous Corporations felt themselves aggrieved by the allegations of the Bill before them, and that they were ready to refute those allegations. Now he only called upon their Lordships to act upon that principle of justice which enjoined them to do unto others that which they desired others should do unto them; and, acting in the spirit of that principle, not to condemn parties unheard, and not to alienate property without proof of just grounds for so doing. He could only say for himself, that if he were to entertain this Bill without hearing the parties whose interests and characters were affected by it, he should expect a Bill of Pains and Penalties to be brought in against himself, confiscating his property, and should deserve to fall unpitied.

Viscount *Melbourne*:—At this late hour of the night, I shall detain your Lordships with but very few observations upon the course which this debate has taken. The noble and learned Lord, the late Lord Chancellor (Lyndhurst), has thought fit to condemn the precedents quoted by my noble and learned Friend against the Motion of the noble Earl opposite. He has told your Lordships that the precedent of the course taken by this House upon the Slave-Trade was not in point, because, upon that occasion, the evidence offered was evidence of opinion, not evidence of fact. Now, my Lords, I think there is some reason to doubt the accuracy of the noble and learned Lord's statement; and although he represents that he has taken it from the Reports of the proceedings, it is to be observed that the Reports of those days were not taken with that accuracy which distinguishes those of the present time. But, my Lords, the noble and learned

Lord, not content with this manner of getting over the difficulty presented by my noble and learned Friend, goes further back in Parliamentary history, and finds out that in the year 1793, this House did hear evidence at the Bar, upon a Bill for the Abolition of the Slave Trade. They did so, indeed, my Lords; but that was when the House swamped the Bill sent up from the Commons. When they wanted to destroy the Bill, they took the course now proposed with regard to the Bill on your Lordships' table, of hearing evidence against it. But in 1806 when they wanted to pass the Measure for the Abolition of the Slave Trade, they refused to hear evidence, as has been already stated by my noble and learned Friend. I must say, my Lords, that I cannot look upon the means taken to perpetuate the nefarious traffic in human flesh as a fit and proper precedent for your Lordships to follow with regard to the alleged abuses in Corporations. The noble and learned Lord also went into a general argument against the whole Bill, describing it as of such a nature, so affecting property, and so fraught with evils of various descriptions, that in his opinion your Lordships ought not to pass it without having Evidence. The noble Duke also took the same objections to the measure, which he described as partial in its operation. This, my Lords, I say is unfounded, as to the general character of that measure, which includes, fairly and impartially, every Corporation having a certain amount of inhabitants. The noble Duke says that this measure ought to have originated in the Court of King's Bench. Indeed, I could not but marvel at the numerous objections urged by that noble Duke, after he had declared himself friendly to the principle of the measure. But if I had cause to be surprised at any thing in the conduct of the noble Duke and the noble and learned Lord, it was at the time taken by them for the statement of their objections. I certainly, my Lords, should not the other night have consented to the postponement of the discussion, if I had not been misled and deceived as to the intention of the opponents of this measure. I ask whether there was not a clear understanding, if not in precise terms, whether there was not a distinct and implicit understanding that no advantage was to be taken for the purposes of delay. I state, my Lords, that I so understood the agreement, and that such was the feeling of the House; and I beg for once to declare, that I will not again enter into any such understandings with those who afterwards may not have the will, or may want the power, to give effect to them. Observations have been made against the preamble of this Bill, and much stress has been laid upon the fact, that certain words have been taken from the Report of the Commissioners. I beg leave to state that the words which are identical in the preamble and the Report, were taken from the Report of the Committee of the House of Commons, in which Report the whole proceedings have had their foundation. Your Lordships must know that a Committee of the House of Commons was originally appointed to consider the state of the Corporations. The Members of that Committee were convinced of the necessity of Corporate Reform, but were also convinced that they could not enter into the investigation by taking evidence in London. Upon this ground a Commission was recommended; and I must say that the opinion of the Committee of the other House, against taking that Evidence, which your Lordships are now recommended to take, ought to weigh with your Lordships as an argument against such a proceeding. I might make many other observations upon what has passed in the discussion this night, but I will not now trouble your Lordships with them. I think your Lordships did wrong in hearing Counsel. I think you will do further wrong in hearing Evidence. This Bill has been called a Bill of Pains and Penalties. It is neither in form nor in substance such a Bill. It has nothing in common with a measure of that description. It is a Bill of general legislation; and I tell your Lordships that by the course you are now pursuing, you are tearing up your own legislative powers by the roots. No Bill can be presented to your Lordships, against which some persons may not allege, and with truth, that he has rights and interests involved in the issue of it; and if you are never to pass any Bill without following the course for which you now propose to establish a precedent, you will destroy your own legislative power, and most effectually tear up your own authority in the state by the roots. I know not, my Lords, to what facts we are called to hear evidence. If Counsel are to be confined to the proof of those facts set forth in their speeches, I am quite sure that we need not waste our time by hearing their witnesses. Those facts will not affect the Bill, but to prove them will be productive of interminable delay. It is proposed, however, by the Counsel, that a Copy of this Bill shall be served upon every Corporation in the kingdom. The object of this is clear, but I beg leave to state to those who are the abettors of this proceeding, that I am not to be beaten by delay. The noble Lords who are the abettors of this proceeding will take upon themselves the conduct and marshalling of the evidence. I, for my part, will attend in my place, and do the best in my power to advance the progress of the Bill, and promote the interests of the country. My Lords, the learned Counsel at your Bar has told you that this Bill will prove the destruction of this House. I think, my Lords, that it may. The learned Counsel said,

> "———illa dies utramque
> Ducet ruinam."

But, my Lords, every one who knows the passage quoted by the learned Counsel, knows that it alludes to a case of self-immolation—of self-destruction—of meditated suicide, my Lords. So, my Lords, I agree with the learned Counsel, in thinking that if you follow the advice offered to you with respect to this Bill, it may indeed prove the destruction of your House.

Their Lordships divided on the Earl of Carnarvon's Amendment: Contents 124; Not-Contents 54; Majority against Ministers 70.

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Bristol
Limerick

Counsel were called in, and informed that they were to be ready with the Evidence on the following day.

The following Protest against hearing Evidence on the Municipal Corporation Bill was entered:—

*Dissentient:* —1. Because we consider the provisions of this Bill, which is neither a private Bill, nor a Bill of Pains and Penalties, but one of a general and remedial nature, as not affording any reason for the admission of evidence that would not have applied equally to a great number of other legislative measures which have been passed through both Houses of Parliament, without the proposition of such an examination of witnesses ever having been made.

2. Because evidence has been tendered and refused by this House in former cases, where individual interests of property were at least equally involved.

3. Because the evidence tendered in this instance was all for the purpose of proving facts which are not necessarily in issue between those who support and those who oppose the passing of this Bill—facts all of which may be admitted to be true without the least impeachment of the principle of the measure, or any of its details.

4. Because the main ground of complaint, and the chief reason urged for receiving evidence is not any objection to the provisions of the Bill, but an objection to one part of its preamble which might be entirely omitted without any prejudice to the Bill.

5. Because the evidence tendered relates almost exclusively to the conduct of the Commissioners appointed to inquire into the state of Municipal Corporations and the Report of these Commissioners—Whereas their conduct forms no part of the question raised by the Bill now brought before the House, and the Report is no necessary part of that measure.

6. Because, if evidence is to be received upon the ground that certain parties conceive themselves aggrieved by a certain report, or by the conduct of certain Commissioners, and not in proof of any injury apprehended from a measure before the House, there is no reason why evidence should not be received to rebut the matters contained in any report or any other document laid upon the Table of this House, and proceeding from any quarter whatever, even if no legislative measure should have been grounded thereupon, nor any proceeding of the House proposed to be adopted in connexion therewith.

7. Because the admission of evidence, beside establishing a precedent for an indulgence which tends directly to impede our legislative functions, must in this instance consume the time of the House, without giving any material assistance to the discussion of the subject, while it places in jeopardy the passing of a Bill called for by every consideration of sound policy, and by a due regard to the rights of the people.

8. Because when we assented to the application for hearing the case argued by Counsel, we did so protesting against its being either necessary or justifiable, but in order to remove all possible ground of complaint, and in the firm belief that it was the intention of the House to confine the proceeding at the Bar to hearing the arguments of two Counsel.

Brougham,
Vassal Holland,
Cleveland,
Thanet,
Melbourne,
Lansdowne,
Plunkett,
Duncannon,
Queensberry,
Albemarle,
Torrington,
Except the 8th reason,
Somerhill.

The following Protest against the Corporations' Reform Bill altogether was also entered:—

*Dissentient*—1. Because the Commission under which the Commissioners for inquiry into Municipal Corporations have acted is perfectly illegal and unconstitutional, the Constitution of the country recognising no such arbitrary power as that which has been claimed by the Crown, of issuing a Commission (without the consent of the Houses of Parliament) deeply affecting the hereditary rights, privileges, and properties, belonging to the municipal borough towns included in the Report made by the said Commissioners.

2. That by acknowledging such a principle, by hearing evidence, this House will establish a precedent of a most dangerous character, which will endanger the security not only of all existing hereditary rights and privileges, but of every species of property, whether of a public or private character, existing in this country.

3. That however specious the title of this Bill may appear, it is evident to every mind unprejudiced by party feeling, that the object which it is intended to accomplish is the furtherance of that democratic spirit which is at present afloat in this country, and which is aiming at the total subversion of all the civil and religious institutions of the British empire.

Winchilsea and Nottingham.
Newcastle.

# ADDENDUM.

## *The* SPEECH *of* COL. THOMPSON *on presenting a Petition from Kingston-upon-Hull, against certain Clauses of the Corporation Reform Bill.—House of Commons, June 29th.*

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CORPORATION REFORM.] Colonel *Thompson*: I rise to present a Petition signed by 500 burgesses and inhabitants of the town of Kingston-upon-Hull, the object of which is to pray that, "in like manner, as in the Act for amending the representation of the people in England and Wales, the rights of existing burgesses, in respect of voting for Members of Parliament, were preserved to them, during the term of their natural lives; so, in the Municipal Corporation Reform Bill, a like reservation may be for existing burgesses during the term of their natural lives." They do not pray that where amendments and alterations have been made in the Bill, any right should be preserved for their "amusement;" but they do pray that, after having given valuable services to obtain those rights, they should not see any other individuals in possession of them, while they themselves are deprived of them. If it is urged that the means of obtaining those rights are very easy, then my answer, in their names, is, that the concession to them is all the less. I beg to support this petition, first, because my constituents pressed it on me earnestly; and, secondly, because I do not see, so far as I am capable of judging, but that it would have been a concession which might easily have occurred to the framers of the Municipal Reform Bill. I confess I was much astonished and disappointed, after having stood upon the hustings before my present constituents, and told them that their rights of voting for Members of Parliament were preserved to them by the Municipal Reform Bill, to find, after having thus put myself forward to assure them of their perfect security upon that point, that the intention of the Government was to dissolve their rights in that particular. I trust that my hon. Friends, with whom I have been accustomed to act, will not judge hardly by me for having thus supported a petition which perhaps goes against their wishes. I do so, upon the principle, that a Member is bound to support the wishes of his constituents; and it cannot be denied, that the burgesses have the right of sending those Members to Parliament, and no others, who will support their existing privileges. For these reasons, Sir, I beg to support the prayer of this petition.

Petition read and laid on the Table.

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TO

VOL. XXVI., XXVII., XXVIII., XXIX., *(THIRD SERIES)* SESSION 1835.

OF

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